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A HISTORY

OF

POLITICAL ECONOMY

ANCIENT, MEDIÆVAL, & MODERN SCHOOLS

By J. KELLS INGRAM, LL.D.

FELLOW OF TRINITY COLLEGE, DUBLIN

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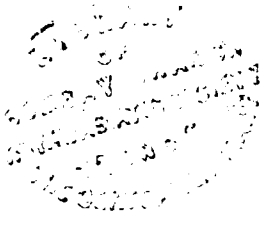
JOHN KELLS INGRAM, LL.D.

SENIOR FELLOW OF TRINITY COLLEGE, DUBLIN;
PRESIDENT OF THE ROYAL IRISH ACADEMY;
AUTHOR OF 'A HISTORY OF POLITICAL ECONOMY'



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PREFACE

THE new spirit which has been introduced into historical inquiry in recent times consists mainly in this, that the whole continuous life of Humanity is seen to be the object with which it has to deal. The picturesq or dramatic presentation of particular events, whilst it must always have its place and value, is more and more subordinated to the study of the fundamental social movement, which it should be the ultimate aim of the historian to understand and explain.

Though a perfectly rational investigation of this movement requires the combined consideration of all its elements, and a study of the consensus which links the progress of each

social factor with that of the others, it is necessary for convenience to examine them separately, without, however, losing sight of their mutual dependence. The principal object of the following pages is to exhibit one line of development which may be traced through the history of the Western nations, and which has been scarcely inferior to any other in its effects on the destinies of our race—namely that by which the slavery of ancient times passed into the modern system of free labour. Besides a survey of this great and beneficent revolution, the work contains an account of the abusive system of colonial slavery and its universal abolition, as well as of the efforts now in progress to transmute, after the Western model, the primitive form of the institution which still exists in Oriental countries. And, in this connection, special attention is given to recent events in Africa, because, if the hunting and sale of human beings in that continent were once brought to an end, the domestic slavery

of the Moslem nations of the East could be regarded with a certain degree of tolerance, and its cessation would be secured from causes similar to those which operated in the ancient Roman world.

In the earlier part of the volume I have endeavoured to keep myself at the historical, as distinguished from the antiquarian point of view, and abstained from entering into curious details which might be multiplied to a great extent. And nowhere have I sought to display an erudition to which, at least in some fields of the inquiry, I can lay no claim. Writing, not for scholars, but for the mass of thoughtful and cultivated men and women, I have aimed at presenting such broad views and general ideas in relation to the history of slavery as ought to form part of the mental furniture of all educated persons. At the same time, I have tried to attain the utmost possible accuracy in the statement of facts, and I shall be disappointed if I shall be found

to have fallen into any serious error in this respect. I have freely availed myself of the labours of those who have preceded me in the treatment of the whole or any portion of the subject; and a consultation of the bibliography appended to this Preface will show that I have neglected few accessible sources of knowledge. I wish to acknowledge my special obligations to two of the authors there named, who had already gone, with conscientious care, over large portions of the ground I have traversed—H. Wallon in his *L'Esclavage dans l'Antiquité*, and S. Sugenheim in his *Geschichte der Aufhebung der Leibeigenschaft.*

Some notices, related to the general subject, which are deserving of attention, but which, if introduced into the text, would have interfered with the regular progress of the narrative, have been placed in an appendix.

It should be added that the present volume contains, in a revised form and with large addi-

tions, the substance of the article "Slavery" in the ninth edition of the *Encyclopædia Britannica*. That article was, so far as I am aware, the first attempt in English to give a complete account of slavery and serfdom in ancient, mediæval, and modern times.

J. K. I.

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HISTORY OF SLAVERY AND SERFDOM

CHAPTER I

INTRODUCTORY

It is asserted by the eminent French economist Dunoyer,[1] that the economic regime of every society which has recently become sedentary is founded on the slavery of the industrial professions; and the widest historical research tends to confirm this doctrine. In the hunter period the savage warrior does not enslave his vanquished enemy, but slays him; the women of a conquered tribe he may, however, carry off and appropriate as wives or as servants, for in this period domestic labour falls almost

[1] *De la Liberté du Travail*, L. iv. chap. iv. § 1.

altogether on the female sex. In the pastoral stage slaves are captured only to be sold, with the exception of a few who may be required for the care of flocks or the small amount of cultivation which is then undertaken. It is in proportion as a sedentary life prevails, and agricultural exploitation is practised on a larger scale, whilst warlike habits continue to exist, that the labour of slaves is increasingly introduced to provide food for the master, and at the same time save him from irksome toil. Of this stage in the social movement slavery seems to have been a universal and inevitable accompaniment.

But, wherever theocratic organisations established themselves, slavery in the ordinary sense did not become a vital element in the social system. If a population be regimented in castes, and every social office, handicraft, and trade be distributed amongst these, there remains no room for slaves, except, to a limited degree, in domestic service, or for work on the vast constructions sometimes undertaken by the rulers of such communities. In a social system of this

kind the lowest caste may be a degraded and despised one, but its members are not in a state of slavery; they are in collective, not individual, subjection to the members of the higher classes.

It is in the societies in which the military order obtained an ascendency over the sacerdotal, and which were directly organised for war, that slavery (as the word is commonly understood) had its really natural and appropriate place. And, as war performed an indispensable function in human history, our just horror for some aspects of slavery must not prevent us from recognising that institution as a necessary step in social progress.] What has been the greatest obstacle to the admission of this important truth is the well-grounded detestation of the public for modern slavery as it has existed in the colonial expansions of European communities. But the latter, instead of being, like ancient slavery, a temporary necessity, spontaneously arising out of all the coexisting conditions, and leading to happy ulterior consequences, was a monstrous perversion, factitious in

its origin and always adverse to the interests of civilisation.

That slavery was an essential part of the social economy of antiquity we might well be led to infer from the fact that the most eminent political thinkers of those ages accepted it in principle. But a similar conclusion results from our independent study of the course of human development. It is not merely that in its first establishment slavery was an immense advance by substituting for the immolation of captives, often accompanied by cannibalism, their permanent occupation in labour for the benefit of the victor.[1] This advantage, recalled by an old though erroneous[2]

[1] Hor. *Ep.* I. xvi. 69.

"Vendere cum possis captivum, occidere noli:
Serviet utiliter."

"Il est fort probable que, sans une telle transformation, l'aveugle passion guerrière du premier âge social aurait déterminé depuis longtemps la destruction presqu' entière de notre espèce." Comte, *Philosophie Positive*, 53e Leçon.

[2] "Servi autem ex eo appellati sunt quod imperatores captivos vendere ac per hoc *servare* nec occidere solent." Justinian, *Inst.*, I. tit. 3. § 3. But *servus* is not cognate with *servare*; it is really related to the Homeric εἶρος and the verb εἴρω, with which the Latin *sero* is to be connected.

etymology, is generally acknowledged. But it is not so well understood that slavery discharged important offices in the later social evolution—first, by enabling military action to prevail with the degree of intensity and continuity requisite for the system of incorporation by conquest which was its final destination; and, secondly, by forcing the captives, who with their descendants came to form the majority of the population in the conquering community, to a life of industry, in spite of the antipathy to regular and sustained labour which is deeply rooted in human nature, especially in the earlier stages of the social movement, when insouciance is so common a trait, and irresponsibility is hailed as a welcome relief.

With respect to the latter consideration,

It may be here mentioned that *slave* was originally a national name; it meant a man of Slavonic race captured and made a bondman to the Germans. "From the Euxine to the Adriatic, in the state of captives or subjects, . . . they [the Slavonians] overspread the land, and the national appellation of the *Slaves* has been degraded by chance or malice from the signification of glory to that of servitude" (Gibbon, *Decline and Fall*, chap. lv.). The historian here alludes to the derivation of the national name from *slava*, glory. See Skeat's *Etym. Dict.*, *s.v.*

it is enough to say that nowhere has productive industry developed itself in the form of voluntary effort; in every country of which we have any knowledge it was imposed by the strong upon the weak, and was wrought into the habits of the people only by the stern discipline of constraint. From the former point of view the freeman, then essentially a warrior, and the slave were mutual auxiliaries, simultaneously exercising different and complementary functions—each necessary to the maintenance and furthering the activity of the other, and thus co-operating, without competition or conflict, towards a common public end. In modern slavery, on the other hand, where the occupations of both parties were industrial, the existence of a servile class, instead of rendering the citizens disposable for social service in a different field, only guaranteed for some of them the possibility of self-indulgent ease, whilst it imposed on others[1] the necessity of indigent idleness.

Military action in Greece was unsystematic

[1] It is unnecessary to do more than refer to the case of the "mean whites" in the United States of America.

and often purposeless, and, except in the resistance to Persia, completed by the expedition of Alexander, remained on the whole fruitless. It was in the Roman state that it worked out the social mission which formed its true justification. Hence at Rome slavery also most properly found its place, so long as that mission was in progress of accomplishment. As soon as the march of conquest, with its attendant incorporation, had reached its natural limit, slavery began to be modified; and when the empire was divided into the several states which had grown up under it, and the system of defence characteristic of the Middle Ages was substituted for the aggressive system of antiquity, slavery gradually disappeared, and was replaced by serfdom, which again, with the rise of modern industrial life, gave way to personal freedom.

Since the rise of polytheism, as Comte has shown,[1] was contemporary with or soon followed the formation of sedentary communities, [we might infer that that religious

[1] *Phil. Pos.*, 52e Leçon. The 53rd Lecture contains a masterly treatment of the whole subject of ancient polytheism.

system was coincident in time with the system of slavery. There is in fact a natural correlation between them, as there is between fetichism and the massacre of captives, and between monotheism and liberty. Fetichism, as a strictly local religion, tended to the extermination of prisoners, because it could not establish any spiritual tie between the victors and the vanquished sufficient to check the impulse of destruction. But each form of polytheism being of a receptive and accommodating nature, and not absolutely excluding the others, the conqueror and the conquered had sufficient community of religious ideas to admit of a degree of habitual harmony, whilst there was yet a sufficient difference to maintain a certain distance between them. The submission of the vanquished implied an admission of the inferiority of his deities, and this acknowledgment sufficed to consecrate his permanent subordination.

A similar correlation exists between slavery and the confusion of the temporal and spiritual powers which was characteristic of antiquity. The rigorous and stable internal discipline of society which the military system

required was furthered by the association of material ascendency with religious authority. This association, in the special case of the domestic relations, gave a supernatural sanction to the supremacy of the master, and at the same time freed the exercise of his power from a sacerdotal intervention which would have compromised his absolute control. Where slavery, as a fruit of conquest, has existed along with monotheism, we find also the confusion of the powers, which, though antagonistic in principle to that religious system, yet sometimes, from special circumstances, coexists with it.

We have so far dealt with the *political* results of ancient slavery, and have found it to have been in certain respects not only useful but indispensable. When we turn to a consideration of the institution with respect to its moral effects, whilst endeavouring to the utmost to avoid exaggeration, we must yet pronounce its influence to have been profoundly detrimental. In its action on the slave it marred in a great measure the happy effects of habitual industry by preventing the development of the sense of human

dignity which lies at the foundation of morals, whilst the culture of his ideas and sentiments was in most cases entirely neglected, and the spontaneous education arising from the normal family relations was too often altogether denied him. On the morality of the masters—whether personal, domestic, or social—the effects of the institution were disastrous.

The habit of absolute rule, always dangerous to our nature, was peculiarly corrupting when it penetrated every department of daily life, and when no external interference checked individual caprice in its action on the feelings and fortunes of inferiors. It tended to destroy the power of self-command, which is the first principle of all moral progress; whilst it exposed the master to the baneful influences of flattery. As regards domestic morality, the system offered constant facilities for libertinism; we cannot doubt that the female slave was often sacrificed to the brutality of the master, or radically corrupted when perhaps scarcely more than a child. It tended to subvert domestic peace by compromising the just dignity and ruining the happiness of the wife. The morality of the sons of the

family was early undermined, and the general tone of feeling of the younger generation lowered by their intimate association with a despised and degraded class. On social morality, properly so called, the habits of cruelty, or at least of harshness, engendered by the relation, had a powerful reaction. Hume observes on "the little humanity commonly observed in persons accustomed from their infancy to exercise so great authority over their fellow-creatures and to trample upon human nature. . . . Nor," he adds, "can a more probable reason be assigned for the severe, I might say, barbarous manners of ancient times than the practice of domestic slavery, by which every man of rank was rendered a petty tyrant, and educated amidst the flattery, submission, and low debasement of his slaves."[1] How else can we explain the harshness and even ferocity which is so painful a feature in the character of the ancients, showing itself not only in their frequent political atrocities but in their public amusements, and disfiguring the moral lineaments of some of the best personal types which their

[1] *Essay on the Populousness of Ancient Nations.*

history presents? The deplorable results here described were, of course, not universally produced; there were admirable exceptions both amongst masters and amongst slaves—instances of benevolent protection on the one side and of unselfish devotion on the other,[1] which did honour to human nature; but the evil effects without doubt greatly preponderated.

[1] See Plato, *Legg.*, vi. 776 d.

CHAPTER II

SLAVERY IN ANCIENT GREECE

HAVING considered the political and moral effects of ancient slavery generally, we now turn to a closer study of the institution as it existed in the Greek and Roman societies respectively.

We find it already fully established in the Homeric period. The prisoners taken in war[1] are retained as slaves, or sold[2] or ransomed[3] by the captor. Sometimes the men of a conquered town or district are slain and the women carried off.[4] Not unfrequently free persons were kidnapped by pirates and sold in other regions, like Eumæus

[1] Δμῶς, the regular Homeric term for a slave, coming from the root δμα, whence δαμάω, properly means a man vanquished in war, and so deprived of freedom. Δοῦλος is not found in Homer, but he has the feminine δούλη (*Od.*, iii. 12) and derivatives of δοῦλος, as δούλιος and δουλοσύνη.

[2] *Iliad*, xxiv. 752. [3] *Ib.*, vi. 427. [4] *Odyssey*, ix. 40.

in the *Odyssey*. The slave might thus be by birth of equal rank with his master, who knew that the same fate might befall himself or some of the members of his family. The institution does not present itself in a very harsh form in Homer, especially if we consider (as Grote suggests) that "all classes were much on a level in taste, sentiment, and instruction." The male slaves were employed in the tillage of the land and the tending of cattle, and the females in domestic work and household manufactures and in personal attendance on their mistresses. The principal slaves often enjoyed the confidence of their masters and had important duties entrusted to them; and, after lengthened and meritorious service, were put in possession of a house and property of their own.[1] Grote's idea that the women slaves were in a more pitiable condition than the males does not seem justified, except perhaps in the case of the *aletrides*, who turned the household mills which ground the flour consumed in the family, and who were sometimes overworked by unfeeling masters.[2] Part of the agricultural work was sometimes

[1] *Odyssey*, xiv. 64. [2] *Ib.*, xx. 110-119.

done by poor hired freemen (*thêtes*), who are spoken of as a wretched class,[1] and were perhaps employed almost exclusively by the smaller landholders. Having no powerful protector to whom they could look up, and depending on casual jobs, they were probably in a less desirable position than the average slave. Homer conceives the lot of the latter as a bitter one;[2] but it must be remembered that the element of change from a former elevated position usually enters into his descriptions. He marks in a celebrated couplet his sense of the moral deterioration commonly wrought by the condition of slavery.[3]

It is, however, in historic Greece, where we have a good deal of documentary information, that it is most important to study the system of slavery, and especially at Athens, where the principal work of Greek civilisation found its accomplishment. The case of Sparta, in some respects peculiar, must be separately considered.

The sources of slavery in Greece were:—1. Birth, the condition being hereditary. This was not an abundant source, women slaves

[1] *Odyssey*, xi. 490. [2] *Ib.*, viii. 528; *Iliad*, xix. 302.
[3] *Odyssey*, xvii. 322.

being much less numerous than men, and wise masters making the union of the sexes rather a reward of good service than a matter of speculation.[1] It was in general cheaper to buy a slave than to rear one to the age of labour. 2. Sale of children by their free parents, which was tolerated, except in Attica,[2] or their exposure, which was permitted, except at Thebes.[3] The consequence of the latter was sometimes to subject young females to a debasing servitude, as is seen in the plays of Plautus and Terence, which, as is well known, depict Greek, not Roman, manners. 3. The action of law. At Athens, up to the time of Solon, an insolvent debtor became the slave of his creditor. Athenian freedmen and metics (*i.e.* resident aliens) who

[1] Xen., *Œcon.*, ix. 5.

[2] By Solon's legislation this right of parents was limited to the case of a father whose daughter had disgraced herself by an irregular connection.

[3] "There existed a law at Thebes . . . prohibiting exposure of children, and empowering a father under the pressure of extreme poverty to bring his new-born infant to the magistrates, who sold it for a price to any citizen-purchaser, taking from him the obligation to bring it up, but allowing him in return to consider the adult as his slave." Grote's *Greece*, part ii. chap. 3.

did not discharge the obligations imposed on them by the State, were sold, as were also foreigners who had fraudulently possessed themselves of the rights of citizens. 4. Capture in war. Not only Asiatics and Thracians became slaves in this way, but in the many wars between Grecian states, continental or colonial, Greeks were reduced to slavery by men of their own race. Thus Spartans were slaves at Tegea, and Gelon sold out of their country the commonalty of Hyblæan Megara. At Platæa, at Skione, in Melos, the men were massacred or deported, the women enslaved. Athenians were sold at Samos, and in Sicily after the failure of the expedition. In the struggle of parties at Corcyra, each faction, when triumphant, condemned the other to massacre or slavery. Callicratidas pronounced against the enslavement of Greeks by Greeks, but violated his own principle, to which, however, Epaminondas and Pelopidas appear to have been faithful. Philip sold his Olynthian captives, and, after Thebes was taken by Alexander, 30,000 women and children are said to have been sold. 5. Piracy and kidnapping. The descents of

pirates on the coasts were a perpetual source of danger; the pirate was a gainer either by the sale or by the redemption of his captives. If ransomed, the victim became by Athenian law the slave of his redeemer, till he paid in money or labour the price which had been given for him. Kidnappers (*andrapodistæ*) carried off children even in cities, and reared them as slaves. Whether from hostile forays or from piracy, any Greek was exposed to the risk of enslavement; it was a sword of Damocles suspended over all heads.[1] 6. Com-

[1] There is a striking passage in Adam Smith's *Theory of Moral Sentiments*, part vii. sect. ii., where, explaining the source of the ancient opinion as to "the propriety, upon some occasions, of voluntary death," he points to the universal sense of insecurity arising from the constitution and habits of the Grecian world. "All the different republics of Greece were at home almost always distracted by the most furious factions, and abroad involved in the most sanguinary wars, in which each sought, not merely superiority or dominion, but either completely to extirpate all its enemies, or, what was not less cruel, to reduce them into the vilest of all states, that of domestic slavery, and to sell them, man, woman, and child, like so many herds of cattle, to the highest bidder in the market. The smallness of the greater part of those states, too, rendered it to each of them no very improbable event that it might itself fall into that very calamity which it had so frequently either perhaps actually inflicted, or at least attempted to inflict, upon some

merce. Besides the sale of slaves which took place as a result of the capture of cities or other military operations, there was a systematic slave trade. Syria, Pontus, Phrygia, Lydia, Galatia, Paphlagonia, and above all Thrace, were sources of supply. Egypt and Ethiopia also furnished a certain number, and Italy a few. Of foreigners, the Asiatics bore the greatest value, as most amenable to command, and most versed in the arts of luxurious refinement. But Greeks were highest of all in esteem, and they were much sought for foreign sale. Greece proper and Ionia supplied the petty Eastern princes with courtesans and female musicians and

of its neighbours. In this disorderly state of things, the most perfect innocence, joined to both the highest rank and the greatest public services, could give no security to any man, that even at home and among his own relations and fellow-citizens he was not, at some time or another, from the prevalence of some hostile and furious faction, to be condemned to the most cruel and ignominious punishment. If he was taken prisoner in war, or if the city of which he was a member was conquered, he was exposed, if possible, to still greater injuries and insults. . . . It was impossible . . . that a Grecian patriot or hero should not familiarise his imagination with all the different calamities to which he was sensible his situation must frequently, or rather constantly, expose him."

dancers. Athens was an important slave-market, and the state profited by a tax on the sales; but the principal marts were those of Cyprus, Samos, Ephesus, and especially Chios. In later times Delos became a great centre of the trade; we are told that sometimes as many as ten thousand slaves were sold there in a single day.

The slaves were employed in domestic service—as household managers, attendants at table and elsewhere, personal escorts,[1] nurses, grooms, etc. They also did most of the agricultural work. In early Attica, and even down to the time of Pericles, the landowners lived in the country. The Peloponnesian War introduced a change; and after that time the proprietors resided at Athens, and the rural husbandry was in the hands of slaves, to one of whom the superintendence of the whole estate or farm was not unfrequently entrusted. In manufactures and commerce, also, servile

[1] Both masters and mistresses were usually accompanied by one or more slaves when they went abroad. As early as the Homeric times, when a lady leaves her house, she is regularly attended by two handmaids. At Athens, boys were taken to school or to the gymnasium by a slave, the so-called pedagogue.

gradually displaced free labour. Speculators either directly employed slaves as artisans or commercial and banking agents, often placing in their hands important affairs and valuable property; or hired them out, sometimes for work in mines or factories, sometimes for service in private houses, as cooks, flute-players, etc., or for viler uses. There were also public slaves; of these some belonged to temples, to which they were presented as offerings, amongst them being the courtesans who acted as *hierodules* at Corinth and at Eryx in Sicily; others were appropriated to the service of the magistrates and financial boards, or to public works; there were at Athens 1200 archers called Scythians (though doubtless not necessarily of that nationality) for the police of the city; slaves served, too, in the fleets, and were employed in the armies,—commonly as workmen, and exceptionally as soldiers.

The number of slaves in Greece, or even at Athens, can scarcely be determined with any tolerable approach to certainty. It is stated by Athenæus (vi. 20), on the authority of Ctesicles, that the census of Demetrius Phalereus, in 309 B.C., gave for Athens 21,000

citizens, 10,000 metics (resident foreigners), and 400,000 slaves. It is also stated by the same author that Corinth had possessed 460,000 slaves and Ægina 470,000. Hume, in his Essay "On the Populousness of Ancient Nations," maintained that the assertion of Athenæus respecting Athens is quite incredible,—that the number of Athenian slaves "is at least augmented by a whole cipher, and ought not to be regarded as more than 40,000." Boeckh and Letronne have since made the question the subject of fresh studies. The former has fixed the number of Attic slaves at about 365,000, the latter at 100,000 or 120,000. M. Wallon has revised the labours of these scholars, and adduced further considerations of his own.[1] He estimates the number of slaves employed in all Attica in domestic service at 40,000; in agriculture at 35,000; in the mines at 10,000; in manufactures and commerce at 90,000. To these must be added, for old people and

[1] Dr. W. Richter (*Die Sklaverei im griechischen Altertume*, 1886) maintains the correctness of the statement in Athenæus, which Büchsenschütz also (in his excellent work *Besitz und Erwerb im griechischen Alterthume*, 1869) accepts.

children under twelve years of age, 6000 and 20,000 respectively, and also the public slaves, of whom, as we have said, 1200 were Scythian archers. He finally arrives at the conclusion that the servile population of Attica was comprised between the limits of 188,000 and 203,000 souls, the free population being about 67,000, and the metics amounting to 40,000. The slaves thus bore to the free native population the ratio of 3 to 1. The numbers given by Athenæus for Corinth and Ægina, though accepted by Boeckh, appear to be excessive, and are rejected by Clinton and by M. Wallon; the true numbers were no doubt large, but we have no means of determining them even approximately. Next after these cities in the magnitude of their slave population came, on the mainland, Megara, and, amongst the insular states, Chios and Rhodes. Miletus, Phocæa, Tarentum, Sybaris, and Cyrene also had numerous bodies of slaves. We leave out of account at present the case of Sparta, where the Helots stood on a different footing from the slaves in other Greek communities.

The condition of slaves at Athens was not

in general a wretched one. Demosthenes [1] says that, if the barbarians from whom the slaves were bought were informed of the mild treatment they received, they would entertain a great esteem for the Athenians. Plautus in more than one place [2] thinks it necessary to explain to the spectators of his plays that slaves at Athens enjoyed such privileges, and even license, as must be surprising to a Roman audience. The slave was introduced with certain customary rites into his position in the family; he was in practice, though not by law, permitted to accumulate a private fund of his own; his marriage was also recognised by custom; though in general excluded from sacred ceremonies and public sacrifices, slaves took part in domestic solemnities, and were admissible to religious associations of a private kind; there were some popular festivals in

[1] *In Mid.*, p. 530.

[2] Thus in *Stich.*, 446 :—

> Atque id ne vos miremini, homines servulos
> Potare, amare, atque ad cenam condicere,
> Licet hoc Athenis nobis.

Demosthenes says that slaves at Athens could speak more freely than citizens in some other states. *Phil.*, iii. p. 111.

which they were allowed to participate;[1] they had even special ones for themselves both at Athens and in other Greek centres. Their remains were deposited in the family tomb of their master, who sometimes erected monuments in testimony of his affection and regret. They often lived on terms of intimacy either with the head of the house or its younger members; but it is to be feared that too often this intimacy was founded, not on mutual respect, as in the heroic example of Ulysses and Eumæus, but on insolent self-assertion on the one side and a spirit of unworthy compliance on the other, the latter having its *raison d'être* in degrading services rendered by the slave. Notwithstanding this general mildness of rule, Aristophanes and Plautus show us how often resort was had to the discipline of the lash even in the case of domestic slaves. Those employed in workshops, whose

[1] Demosth. *In Nœæram*, p. 1374. This oration, if not by Demosthenes, is the work of a contemporary.

It appears that a slave, if he were a Greek, could be initiated into the Eleusinian mysteries. Slaves took part in the Dionysia at Athens. At the Hermæa in Crete they were waited on by their masters, and a similar usage is mentioned in relation to a festival at Trœzen.

overseers were themselves most commonly of servile status, had probably a harder lot than domestics ; and the agricultural labourers were not unfrequently chained, and treated in much the same way as beasts of burden. The displeasure of the master sometimes dismissed his domestics to the more oppressive labours of the mill or the mine. A refuge from cruel treatment, however, was afforded by the temples and altars of the gods and heroes, and by the sacred groves. Nor did Athenian law leave the slave without protection.[1] He had, as Demosthenes boasts,[2] an action for personal outrage like a freeman, and his death at the hand of a stranger was avenged like that of a citizen (Eurip., *Hec.*, 288), whilst, if caused by his master's violence, it had to be atoned for by religious expiation and perhaps by temporary exile. Even when the slave had killed his master, the relatives of the house could not themselves inflict punishment ; they were obliged to hand him over to the magistrate to be dealt with by legal process. The slave

[1] In the Homeric period, the master seems to have had absolute power of life and death over his slaves. See *Odyssey*, iv. 743 ; xix. 489.

[2] *In Mid.*, p. 530.

who had just grounds of complaint against his master could demand to be sold; when he alleged his right to liberty, the law granted him a defender, and the sanctuaries offered him an asylum till judgment should be given.

Securities were taken against the revolt of slaves by not associating those of the same nationality and language; they were sometimes fettered to prevent flight, and, after a first attempt at escape, branded to facilitate their recovery. There were treaties between states for the extradition of fugitives, and contracts of mutual assurance between individuals against their loss by flight. Their inclination to take advantage of opportunities for this purpose is shown by the number (20,000) that escaped from Athens to join the Spartans when occupying Decelea. There were formidable revolts at the mines of Laurium, and more than once in Chios. The evidence of slaves—women as well as men—was often, with the consent of their masters, taken by torture; and that method is generally commended by the orators as a sure means of arriving at the truth, though sometimes, when it suited their immediate object, they took a

different tone. The several forms of the "question" are enumerated in the *Frogs* (v. 618) of Aristophanes. If the slave was mutilated or seriously injured in the process, compensation was made, not to him, but to his master by the person who had demanded the use of torture.

The slave could purchase his liberty with his peculium by agreement with his master. He could be liberated by will, or, during his master's life, by proclamation in the theatre, the law courts, or other public places, or by having his name inscribed in the public registers, or, in the later age of Greece, by a formal sale to certain divinities,—an act which did not make the slave a hierodule but a freeman. Conditions were sometimes attached to emancipation, as of remaining for life or a definite time with the former master, or another person named by him, or of performing some special service; payments or rights of succession to property might also be reserved. By manumission the Athenian slave became in relation to the state a metic, in relation to his master a client. He was thus in an intermediate condition between slavery and complete freedom. If the freedman violated his duties

to his patron he was subject to an action at law, and if the decision were against him he was again reduced to slavery. He became a full member of the state only, as in the case of foreigners, by a vote in an assembly of six thousand citizens; and even this vote might be set aside by a *graphê paranomôn*. Slaves who had rendered eminent services to the public, as those who fought at Arginusæ and at Chæronea, were at once admitted to the status of citizens in the class of (so-called) Platæans.[1] But it would appear that even in their case some civic rights were reserved, and accorded only to their children by a female citizen. The number of freedmen at Athens seems never to have been great.

It is well known that Aristotle held slavery to be necessary and natural, and, under just conditions, beneficial to both parties in the relation—views which were correct enough from the political side, regard being had to the contemporary social state. His practical motto is—"no outrage, and no familiarity."[2]

[1] In these cases the price of the slave was, of course, paid to his master out of the public treasury.

[2] So also Plato, *Legg.*, vi. p. 777.

There ought, he says, to be held out to the slave the hope of liberty as the reward of his service.[1] Plato condemned the practice, which the theory of Aristotle also by implication sets aside as inadmissible, of Greeks having Greeks for slaves. In the *Laws* he accepts the institution as a necessary though embarrassing one, and recommends for the safety of the masters that natives of different countries should be mixed and that they should all be well treated. But, whilst condemning harshness towards them, he encourages the feeling of contempt for them as a class.[2] Xenophon also, in urging a mild treatment of them, seems to have in view, not their own well-being, but only the gain of the master.[3] The later moral schools of Greece scarcely at all concern themselves with the institution. The Epicurean had no scruple about the servitude of those whose labours contributed to his own indulgence and tranquillity; he would at most cultivate an easy temper in his dealings with them. The Stoic regarded the condition of freedom or slavery as an external accident, indifferent in

[1] *Polit.*, vii. § 9. [2] *Legg.*, vi. p. 776.
[3] *Œcon.*, ix. and xii.

the eye of wisdom; to him it was irrational to see in liberty a ground of pride or in slavery a subject of complaint; from intolerable indignity suicide was an ever-open means of escape.

The poets — especially the authors of the New Comedy — strongly inculcate humanity, and insist on the fundamental equality of the slave. The celebrated "homo sum" is a free translation from Alexis,[1] and the spirit of it breathes in many passages of the Greek drama. A fragment of Philemon[2] declares, as if in reply to Aristotle, that not nature, but fortune, makes the slave. Euripides, as might be expected from his humanitarian cast of sentiment, and the "premature modernism" which has been remarked in him, rises above the ordinary feelings of his time in regard to the slaves. As Mr. Paley says, he loves "to record their fidelity to their masters, their sympathy in the trials of life, their gratitude for kindness and

[1] Meineke, *Fragm. Com. Gr.*, vol. iii. p. 453.

[2] Meineke, vol. iv. p. 47.

Φύσει γὰρ οὐδεὶς δοῦλος ἐγενήθη ποτέ,
Ἡ δ' αὖ τύχη τὸ σῶμα κατεδουλώσατο.

considerate treatment, and their pride in bearing the character of honourable men. . . . He allows them to reason, to advise, to suggest; and he even makes them philosophise on the follies and the indiscretions of their superiors."[1] But we are not to suppose that even he, latitudinarian and innovator as he was, could have conceived the possibility of abolishing an institution so deeply rooted in the social conditions, as well as in the ideas, of his time.

The case of the Helots of Laconia was different from that of the slaves in most Grecian communities. The origin of this class is disputed, and we cannot here enter into the controversy. They were regarded as the property of the state, which gave their services to individuals, but kept in its own hands the power of emancipating them. The domestic servants of the Spartans were all Helots, and they waited on their masters at the *syssitia* or public meal. But they were in the main serfs, living in small country villages or in detached farms, cultivating the lands of the Spartan proprietors, and paying to those

[1] Compare *Med.*, 54; *Orest.*, 869; *Hel.*, 728; *Ion*, 854; *Frag. Melan.*, 506; *Frag. Phrix.*, 823.

proprietors a proportion of the produce which could not be increased. They enjoyed their homes, wives, and families, could acquire property,[1] were not to be sold out of the country, and perhaps could not be sold at all. They were, doubtless, employed in public works; in war they commonly acted as light-armed troops attending on the Spartan or Perioekic hoplites, but in particular emergencies themselves served as hoplites. They also occasionally did duty as seamen. They were sometimes rewarded for good service by emancipation, which, however, did not make them Perioeki, but introduced them into a special class known as *Neodamôdeis*. This class appears to have been a revolutionary element in the population.[2] A certain number of Helots were educated along with the sons of their Spartan masters; these were known as *Mothakes*, and seem to have been personally free, though not possessing, except by special grant, the rights of citizens. It is probable

[1] We are informed by Plutarch that, when Cleomenes promised freedom to any Helot who should pay a sum of five Attic minæ, five hundred talents were thus obtained, six thousand of the Helots producing the required amount.

[2] Xen., *Hellen.*, iii. 3, 6.

that in this class were included sons of Spartans by Helot women. The condition of the Helot does not seem to have been economically onerous; but his consciousness of Grecian lineage, which Grote regards as an alleviation of his lot, must surely have been one of its bitterest elements, whilst it constantly kept alive the fear and consequent hatred of his Spartan masters, and made the relation between the two classes less natural than that of the ordinary Greek masters with slaves of foreign and less civilised races. By the ruling powers of Sparta the Helots, as a class, were never trusted, and in one memorable case some two thousand of them, selected for special military merit, were massacred in secret.[1] According to Plutarch, whose statement, however, has not always been credited, the Ephors declared war against the Helots every year, and there was a practice, known as the *krypteia*, of detailing a number of young Spartan citizens for the purpose of assassinating such of them as were considered formidable. Wallon estimates the number of the Helots at 220,000, that of the Spartans being 32,000. The Penestæ in

[1] Thucyd., iv. 80.

Thessaly and the Clarotæ in Crete seem to have occupied a position somewhat similar to that of the Helots in Laconia. We read of some small Greek communities, all whose inhabitants stood in the relation of serfs to a deity, most frequently to Apollo, and were under the obligation of making payments, or rendering services, to one of his temples.

CHAPTER III

SLAVERY IN ANCIENT ROME

We have already observed that the Roman system of life was that in which slavery had its most natural and relatively legitimate place; and accordingly it was at Rome that, as Blair[1] has remarked, the institution was, more than anywhere else, "extended in its operation and methodised in its details." Not only on this ground is it especially deserving of our study, but because out of the slave class, as it was organised by the Romans in the countries subject to the empire, the modern proletariate has been historically evolved.

We must distinguish from the later slavery at Rome what Mommsen[2] calls "the old, in some measure innocent," slavery, under which

[1] *Slavery among the Romans*, chap. i.

[2] *History of Rome*, bk. iv. chap. ii.

the farmer tilled the land along with his slave, or, if he possessed more land than he could manage, placed the slave—either as a steward, or as a sort of lessee obliged to render up a portion of the produce—over a detached farm. Though slaves were obtained by the early victories of Rome over her Italian neighbours, no large number was employed on the small holdings of those periods. But the extension of properties in the hands of the patricians, and the continual absences of citizens required by the expanding system of conquest, necessarily brought with them a demand for slave labour, which was increasingly supplied by captives taken in war. Of the number furnished from this source a few particulars from the time of the mature republic and the first century of the empire will give some idea. In Epirus, after the victories of Æmilius Paullus, 150,000 captives were sold.[1] The prisoners at Aquæ Sextiæ and Vercellæ were 90,000 Teutons and 60,000 Cimbri.[2] Cæsar sold on a single occasion in Gaul 63,000 captives;[3] Augustus made 44,000 prisoners in

[1] Liv., xlv. 34. [2] Liv., *Epit.* lxviii.
[3] *De Bello Gall.*, iii. 16.

the country of the Salassi;[1] after immense numbers had perished by famine and hardship and in the combats of the arena, 97,000 slaves were acquired by the Jewish war.[2] But slavery, as Hume has shown, is unfavourable to population, and even the wars of Rome were insufficient to maintain the supply. Hence a regular commerce in slaves was established, which was based on the "systematically-prosecuted hunting of man," and indicated an entire perversion of the primitive institution, which was essentially connected with conquest. The pirates sold great numbers of slaves at Delos,[3] where was the great market for such wares; and this went on as really, though more obscurely, after the successful expedition of Pompey. There was a regular importation at Rome of slaves, brought to some extent from Africa, Spain, and Gaul, but chiefly from Asiatic countries — Bithynia, Galatia, Cappadocia, and Syria. A portorium — apparently one-eighth for eunuchs, one-fortieth for others — was paid on their import or

[1] Strabo, iv. p. 205.
[2] Josephus, *Bell. Jud.*, VI. ix. 2; VII. ii. 1.
[3] Strabo, xiv. pp. 668-9.

export, and a duty of 2 or 4 per cent on their sale.[1]

There were other sources from which slavery was alimented, though of course in a much less degree. Certain offences reduced the guilty persons to slavery (*servi pœnæ*), and they were employed in public work in the quarries or the mines. Originally, a father could sell his children. A creditor could hold his insolvent debtor as a slave, or sell him out of the city (*trans Tiberim*). The enslavement of creditors, overwhelmed with usury in consequence of losses by hostile raids or their own absence on military service, led to the revolt of the Mons Sacer (493 B.C.). The Pœtelian law (326 B.C.) restricted the creditor's lien (by virtue of a *nexum*) to the goods of his debtor, and enacted that for the future no debtor should be put in chains; but we hear of debtors *addicti* to their creditors by the tribunals long after—even in the time of the Punic Wars.[2]

There were *servi publici* as well as *privati*. The service of the magistrates was at first in

[1] See the authorities in Wallon, tom. ii. p. 50.

[2] Liv., xxiii. 14.

the hands of freemen; but the lower offices, as of couriers, servants of the law courts, of prisons, and of temples, were afterwards filled by slaves. The execution of public works also came to be largely committed to them,—as the construction of roads, the cleansing of the sewers, and the maintenance of the aqueducts. Both kinds of functions were discharged by slaves, not only at Rome, but in the rural and provincial municipalities. The private slaves of a wealthy Roman were usually divided between the *familia rustica* and the *familia urbana*. At the head of the *familia rustica* was the *villicus*, himself a slave, with the wife who was given him at once to assist him and to bind him to his duties. Under him were the several groups employed in the different branches of the exploitation and the care of the cattle, the flocks and the stables, as well as those who prepared the food, clothing, and tools of the whole staff and kept the buildings in repair, and those who attended on the master in the various species of rural sports. A slave prison (*ergastulum*) was part of such an establishment, and there were slaves whose office it was to punish the offences of their

fellows. To the *familia urbana* belonged those who discharged the duties of domestic attendance, the service of the toilet, of the bath, of the table, of the kitchen, besides the entertainment of the master and his guests by dancing, singing, and other arts. There were, besides, the slaves who accompanied the master and mistress out of doors, and who were chosen for their beauty and grace as guards of honour, for their strength as chairmen, or for their readiness and address in remembering names, delivering messages of courtesy, and the like. There were also attached to a great household physicians, artists, secretaries, librarians, copyists, preparers of parchment, as well as pedagogues and preceptors of different kinds—readers, grammarians, men of letters and even philosophers,—all of servile condition, besides accountants, managers, and agents for the transaction of business. Some masters, as Crassus and Atticus, carefully trained selected members of their *familiæ* for these higher functions. Actors, comic and tragic, pantomimi, and the performers of the circus were commonly slaves, as were also the gladiators.

These last were chosen from the most warlike races—as the Samnites, Gauls, and Thracians. Troops of gladiators were owned by private speculators, who hired them out; they were sometimes possessed by men of high rank.

As to the numbers of slaves belonging to individual masters, though we have no distinct general statement in the Roman writers, and though some of the accounts of particular cases by Petronius and others seem without doubt to be exaggerations, several well-authenticated examples and various indirect indications serve to show that the wealthier men possessed very large *familiæ*. This may be inferred, for instance, from the *columbaria* of the house of Livia and of other great houses. Vettius armed four hundred of his own slaves when he entered on the revolt which was a prelude to the Second Servile War.[1] The slaves of Pedanius Secundus, who, in spite of a threatened outbreak of the indignant populace, were all put to death because they had been under their master's roof when he was murdered, were four hundred in number.[2]

[1] Diod., *Fr.*, XXXVI. ii. 3 (Didot).

[2] Tac., *Ann.*, xiv. 43.

Pliny tells us that Cæcilius, a freedman of the time of Augustus, left by his will as many as 4116.[1] The question as to the total number of slaves at Rome or in Italy is a very difficult one, and it is not, perhaps, possible to arrive with any degree of certainty at an approximate estimate. Gibbon[2] supposes that there were in the Roman world in the reign of Claudius at least as many slaves as free inhabitants. But Blair[3] seems right in believing that this number, though probably correct for an earlier period, is much under the truth for the age to which it is assigned. He fixes the proportion of slaves to free men as that of three to one for the time between the conquest of Greece (146 B.C.) and the reign of Alexander Severus (222-235 A.D.). The entire number of slaves in Italy would thus have been, in the reign of Claudius, 20,832,000, that of the free population being 6,944,000.

By the original Roman law the master was clothed with absolute dominion over the slave, extending to the power of life and death, which is not surprising when we consider the nature

[1] *Hist. Nat.*, xxxiii. 47. [2] *Decline and Fall*, chap. ii.
[3] *Slavery among the Romans*, chap. 1.

of the *patria potestas.* The slave could not possess property of any kind; whatever he acquired was legally his master's. He was, however, in practice permitted to enjoy and accumulate chance earnings or savings, or a share of what he produced, under the name of *peculium.* A master could not enter into a contract with his slave, nor could he accuse him of theft before the law; for if the slave took anything, this was not a subtraction, but only a displacement, of property. The union of a male and female slave had not the legal character of a marriage; it was a cohabitation (*contubernium*) merely, which was tolerated, and might be terminated at will, by the master; slaves were, therefore, not capable of the crime of adultery. Yet general sentiment seems to have given a stronger sanction to this sort of connection; the names of husband and wife are freely used in relation to slaves on the stage, in the language of the tombs, and even in the laws. For entering the military service or taking on him any state office, a slave was punished with death. He could not in general be examined as a witness, except by torture. A master, when accused, could offer his slaves for

the "question," or demand for the same purpose the slaves of another; and, if in the latter case they were injured or killed in the process, their owner was indemnified. A slave could not accuse his master, except of adultery or incest (under the latter name being included the violation of sacred things or places); the case of high treason was afterwards added to these. An accused slave could not invoke the aid of the tribunes.[1] The penalties of the law for crime were more severe on guilty slaves than on freemen; "majores nostri," say the legists, "in omni supplicio severius servos quam liberos punierunt." The capital punishment of the freeman was by the sword or the precipice,—of the slave by the axe or the cross. Under the lex Aquilia, a master could claim compensation for the killing or damaging of a slave; this law placed injury done to a slave on the same footing with injury to a quadruped ("servis nostris exæquat quadrupedes quæ pecudum numero sunt"). The lex Cornelia[2] punished the murder of a slave or a freeman alike; but the master who killed his own slave was not affected by this law.

[1] Seneca, *Controv.*, iii. 9. [2] *De sicariis et veneficis*, B.C. 82.

Columella, like Xenophon, favours a certain friendliness and familiarity in one's intercourse with his farm slaves.[1] Cato ate and drank the same coarse victuals as his slaves, and even had the children suckled by his wife, that they might imbibe a fondness for the family. But that rigid old economist had a strict eye to profit in all his dealings with them.[2] He allowed the contubernium of male and female slaves at the price of a money payment from their peculium. Columella regarded the gains from the births as a sufficient motive for encouraging these unions, and thought that the fecundity of mothers should be rewarded[3] by relaxation of labour and even by freedom. Varro recommended the permission of marriage as a guarantee of good conduct and faithful service.[4] Judicious or kindly masters sometimes contributed to a slave's *peculium*. But many of them seldom visited their estates, and the slaves were left subject to the caprices of the *villicus*. The immense extension of the rural estates (*latifundia*) made it impossible for masters to know their slaves, even if they

[1] I. viii. 15.
[2] Plut., *Cato*, 3, 21.
[3] I. viii. 18.
[4] II. x. 6-9 and I. xvii. 5.

were disposed to take trouble for the purpose. Effective superintendence even by overseers became less easy; the use of chains was introduced, and these were worn not only in the field during working hours, but at night in the *ergastulum* where the labourers slept, a practice which Pliny[1] lamented as a disgrace to agriculture. Urban slaves had probably often a life as little enviable, especially those who worked at trades for speculators. Even in private houses at Rome, so late as the time of Ovid,[2] the porter was chained. In the *familia urbana* the favourites of the master had good treatment, and might exercise some influence over him, which would lead to their receiving flattery and gifts from those who sought his vote or solicited his support. Doubtless there was often genuine mutual affection; slaves sometimes, as in noted instances during the civil wars, showed the noblest spirit of devotion to their masters, even sacrificing their lives to save them. Those who were not inmates of the household, but were employed outside of it as keepers of a ship or boat, chiefs of workshops, or clerks in a mercantile business,

[1] XVIII. iv. 4, 5, and vii. 4. [2] *Amor.* I. vi. 1.

had the advantage of greater freedom of action. The slaves of the *leno* and the *lanista* were probably in most cases not only degraded but unhappy. The lighter punishments inflicted by masters were commonly personal chastisement or banishment from the town house to rural labour; the severer were employment in the mill (*pistrinum*) or relegation to the mines or quarries, where, if we may judge from the extant descriptions of the Egyptian mines before Roman rule, which were probably not dissimilar, they worked half-naked, men and women, in chains, under the lash and guarded by soldiers.[1] Under the Republic a master could send his slave to fight with wild beasts in the amphitheatre. We hear of some who mutilated or even crucified their slaves. Vedius Pollio, in the time of Augustus, was said to have thrown his slaves, condemned sometimes for trivial mistakes or even accidents, to the lampreys in his fishpond.[2] Such abuses of power were of course extremely exceptional; but it was often self-interest rather than

[1] Diod., iii. 12, 13. Concerning the quarries, see Plaut., *Capt.*, v. 3, 932.

[2] Seneca, *De ira*, iii. 40.

humanity that prevented them. That motive operated against the slave when he became unproductive from age or disease. Cato advised the agriculturist to sell his old oxen and his old slaves, as well as his sick ones; and sick slaves were exposed in the island in the Tiber sacred to Æsculapius; by a decree of Claudius slaves so exposed, if they recovered, could not be reclaimed by their masters.

Though the Roman slaves were not, like the Spartan Helots, kept obedient by systematic terrorism, their large numbers were a constant source of solicitude in the later period of the republic and under the early empire. The law under which the slaves of Pedanius were put to death, probably first made under Augustus and more fully enacted under Nero, is sufficient proof of this anxiety, which indeed is strongly stated by Tacitus in his narrative of the facts of that case.[1] There had been many conspiracies amongst the slaves in the course of Roman history, and some formidable insurrec-

[1] *Ann.* xiv. 42-44. See also iv. 27. "Indicta est aliquando a senatu sententia ut servos a liberis cultus distingueret; deinde apparuit quantum periculum immineret, si servi nostri numerare nos cœpissent." Seneca, *De Clem.* i. 24.

tions. We hear of a conspiracy about 500 B.C. and another in 419 B.C.; again just before the sea-fight of Duilius and between the battles of Trasimenus and Cannæ. In 198 B.C. a servile war had almost broken out; in 196 B.C. there was a rising in Etruria, and in 185 B.C. in Apulia. The growth of the latifundia made the slaves more and more numerous and formidable. Free labour was discountenanced. Cato, Varro, and Columella all agree that slave labour was to be preferred to free except in unhealthy regions, and for large occasional operations, which probably transcended the capacity of the permanent *familia rustica*.[1] Cicero and Livy[2] bear testimony to the disappearance of a free plebs from the country districts and its replacement by gangs of slaves working on great estates. The policy of the Gracchi and their successors of the popular party was opposed to this reduction of the free working population, which they sought to counteract by agrarian laws and by colonisation on a large scale, projects which could not be effectively carried out until civil supremacy

[1] Cato, v. 4; Varro, I. xvii. 2; Colum. I. vii. 4-6.
[2] Cic. ii. *c. Rull.* 30, 31; Liv. VI. xii.

was united with military power in the hands of a popular chief, and which, even when this condition was satisfied by the establishment of the empire, were inadequate to meet the evil.

The worst form of prædial slavery existed in Sicily, whither Mommsen supposes that its peculiarly harsh features had been brought by the Carthaginians.[1] In Sicily, accordingly, the first really serious servile insurrections took place, at once provoked by the misery of the slaves and facilitated by the habits of brigandage which, it is said, the proprietors had tolerated and even encouraged as lightening the cost of subsistence of their slaves. The rising under the Syrian diviner Eunus in 133 B.C. was with some difficulty suppressed by Rupilius. Partial revolts in Italy succeeded; and then came the second Sicilian insurrection under Trypho and Athenio, which, after a sharp struggle, was put down by Aquilius. These were followed by the Servile War in Italy under Spartacus, which, occurring at an otherwise critical period, severely tested the military resources of Rome. In the subsequent civil conflicts the aid of slaves was sought by

[1] *Hist. of Rome*, IV. ii.

both parties, even by Marius himself,[1] and afterwards by Catiline,[2] though he finally rejected their services. Clodius and Milo employed bands of gladiators in their city riots, and this action on the part of the latter was approved by Cicero.[3] In the First Civil War they were to be found in both camps, and the murderers of Cæsar, those *soi-disant* vindicators of liberty, were escorted to the Capitol by gladiators. Antony, Octavius, and Sextus Pompeius employed them in the Second Civil War; and it is recorded by Augustus on the Monumentum Ancyranum that he gave back to their masters for punishment about 30,000 slaves who had absconded and borne arms against the state. Under Tiberius, at the death of Caligula, and in the reign of Nero, there were threatening movements of the slaves. Nor did the danger of servile insurrection disappear in the later stages of the Empire. The armies of the invading Goths were swelled by their countrymen who had been captured or bought by Romans. The slaves of Gaul almost *en masse* took part in the revolt of the

[1] Plut., *Sull.*, 9. [2] Sall., *Cat.*, 24 and 56.
[3] *De off.*, II. xvii.

Bagaudæ, and forty thousand slaves joined Alaric at the siege of Rome.

Of the moral influences of slavery we have already spoken. In the particular case of Rome it cannot be doubted that it largely contributed to the impurities which disgraced private life, as seen in the pages of Juvenal, Martial, and Petronius. It must have powerfully tended to the corruption of the young by facilitating and encouraging self-indulgence, dissimulation, and intrigue. The teacher of the child, often a worthless slave, became the flatterer, and thus, in the end, the confidant and adviser of the youth and the willing instrument of his debaucheries, and while the unworthy services of some gave them undue influence over their masters, others were the defenceless victims of his sensuality. It is shocking to observe the tone in which Horace, so characterised by geniality and bonhomie, speaks of the subjection of slaves to the brutal passions of their masters.[1] The hardening effect of the system appears perhaps most strikingly in the barbarous spectacles of the amphitheatre, in which even

[1] *Sat.*, i. 2, 116.

women took pleasure and joined in condemning the gladiator who did not by his desperate courage satisfy the demands of a sanguinary mob. Its political effects, too, at this epoch, were disastrous. It led to the degradation of free labour, even agriculture being no longer held in esteem.[1] The existence of slavery, successfully competing with freemen for urban employment, multiplied the idle and worthless population of Rome, who sought only "panem et circenses." These had to be supported by public distributions, which the emperors found they could not discontinue, and by the bounty of patrons, and, like the "mean whites" of modern America, formed a dangerous class, purchasable by selfish ambitions and ready to aid in civil disturbances.

Blair, in comparing the Greek and Roman systems of slavery,[2] points with justice to the greater facility and frequency of emancipation as the great superiority of the latter. No Roman slave, he says, "needed to despair of becoming both a freeman and a citizen."

[1] "Quum sit publice accepta et confirmata jam vulgaris existimatio, rem rusticam sordidum opus." Col., i. præf. 20.

[2] *Slavery among the Romans*, chap. xi.

Manumission was of two kinds—*justa*, or regular, and *minus justa*. Of *manumissio justa* there were four modes:—(1) by adoption, rarely resorted to; (2) by testament, already recognised in the Twelve Tables; (3) by *census* (presentation to the censor and inscription in the roll of citizens), which was of exceptional use, and did not exist later than the time of Vespasian; and (4) by *vindicta*, which was the usual form. In the last method the master turned the slave round, with the words "liber esto," in the presence of the prætor or other competent magistrate, that officer or his lictor at the same time striking the slave with his rod. The *manumissio minus justa* was effected by a sufficient manifestation of the will of the master, as by letter, by words spoken among friends, by putting the *pileus* (or cap of liberty) on the slave, or by any other formality which had by usage become significant of the intention to liberate, or by such an act as making the slave the guardian of his children. This extra-legal sort of manumission was incomplete and precarious; even after the lex Julia Norbana (19 A.D.), which assimilated the

position of those so liberated to that of the Latin colonists, under the name of Latini juniores, the person remained in the eye of the law a slave till his death and could not dispose of his peculium.

A freedman, unless he became such by operation of law, remained client of his master, and both were bound by the mutual obligations arising out of that relation. These obligations existed also in the case of freedmen of the state, of cities, temples, and corporations. It was the duty of the master to protect the freedman against every abuse of power, and to defend him in the courts of law; to act as his guardian if a minor, and to supply him with food if destitute. The freedman took his former master's name; he owed him deference (*obsequium*) and aid (*officium*), which included pecuniary contributions in certain contingencies; and neglect of these obligations was punished, in extreme cases, even with loss of liberty. Conditions might be annexed by the master to the gift of freedom, as of continued residence with him, or of general service or some particular task to be performed, or of a money payment to

be made. But the prætor Rutilius, about the beginning of the 1st century B.C., limited the excessive imposition of such conditions, and his restrictions were carried further by the later jurists and the imperial constitutions. Failing natural heirs of an intestate freedman, the master, now patron, succeeded to his property at his death; and he could dispose by will of only half his possessions, the patron receiving the other half. Freedmen and their sons were subject to some civil disabilities; the third generation became *ingenua* (full citizens). Thus, by a process of constant infiltration, the slave element tended to merge itself in the general popular body; and Scipio Æmilianus could reply to the murmurs of a plebeian crowd, "Taceant quibus Italia noverca est; non efficietis ut solutos verear quos alligatos adduxi."[1]

It was often a pecuniary advantage to the master to liberate his slave; he obtained a payment which enabled him to buy a substitute, and at the same time gained a client. This of course presupposes the recognition of the right of the slave to his peculium; and

[1] Val. Max., vi. 2, 3.

the same is implied in Cicero's statement that a diligent slave could in six years purchase his freedom. Augustus set himself against the undue multiplication of manumissions, probably considering the rapid addition of new citizens a source of social instability, and recommended a similar policy to his successor. The lex Ælia Sentia (about 3 A.D.) forbade manumission, except in strictly limited cases, by masters under 20 years of age or of slaves under 30; and the lex Furia Caninia (about 7 A.D.) fixed the proportion of a man's slaves which he could liberate by testament, and forbade more than a hundred being so enfranchised whatever might be the number of the familia. Under the empire the freedmen rose steadily in influence; they became admissible to the rank of equites and to the senate; they obtained provincial governments, and were appointed to offices in the imperial household which virtually placed them at the head of administrative departments. Pallas and Narcissus are familiar types of the unworthy members of this class, and there were doubtless many outside of official life who exhibited either the ostentation and insolence of

the parvenu or the unscrupulous meanness of the parasite: but there were others who were highly deserving of esteem. Freedmen of humbler rank filled the minor offices in the administrative service, in the city cohorts, and in the army; and we shall find that they entered largely into the trades and professions when free labour began to revive. They appeared also in literature; we hear of several historical and biographical memoirs by freedmen under the republic and the early empire; many of them were professors of grammar and the kindred arts, as Tiro, the amanuensis of Cicero, and Hyginus, the librarian of Augustus; and names of a higher order are those of Livius Andronicus, Statius Cæcilius, Terence, Publius Syrus, Phædrus, and Epictetus.

In the second century of the Christian era we find a marked change with respect to the institution of slavery, both in the region of thought and in that of law. Already the principles of reason and humanity had been applied to the subject by Seneca, who, whatever we may think of him as a man, deserves our gratitude for the just and liberal senti-

ments he expressed respecting the slaves, who, he says, should be treated as "humble friends," and especially for his energetic reprobation of gladiatorial combats and of the brutality of the public who enjoyed those sanguinary shows.[1] He showed such an affinity with the Christian spirit that Tertullian spoke of him as "Seneca, sæpe noster."[2] There was a tradition that he had been in personal relations with St. Paul, for which, however, there is no authority but some apocryphal letters; and Troplong[3] and others have inferred—it would seem, without adequate grounds—from the Christian tone of much in his writings that he had read and been influenced by some of the Christian Scriptures. But it was in the second century, as we have said, that "the victory of moral ideas" in this, as in other departments of life, became "decisive. . . . Dio Chrysostom, the adviser of Trajan, is the first Greek writer

[1] Cicero had only doubtfully condemned them: "Crudele gladiatorium spectaculum et inhumanum nonnullis videri solet, et haud scio an ita sit ut nunc fit." *Tusc.*, ii. 17.

[2] *De anima*, 20.

[3] *Sur l'influence du Christianisme dans le droit romain*, pp. 71-79.

who has pronounced[1] the principle of slavery to be contrary to the law of nature."[2] And a parallel change is found in the practical policy of the state. The military vocation of Rome was now felt to have reached its normal limits; to the age of conquest had succeeded the age of administration; and the emperors, understanding that, in the future, industrial activity must prevail, prepared the abolition of slavery as far as was then possible, by honouring the freedmen, by protecting the slave against his master, and by facilitating manumissions.

The jurists who, in the absence of a recognised spiritual power, provisionally discharged in their own way the office of systematising practical morals, modified, by means of the useful fiction of the *jus naturale*, the presumptions of law and the interpretation of doubtful instruments.[3] The general tendency both of the imperial con-

[1] *Orat.*, xv. p. 258 *sqq.*

[2] Mark Pattison, *University Sermons*, p. 158.

[3] "Quod ad jus naturale attinet, omnes homines æquales sunt"—Ulpian. "Servitus est constitutio juris gentium, qua quis dominio alieno contra naturam subjicitur"—Florentinus.

stitutions and of the maxims of the legists is in favour of liberty.[1] The practices of exposure and sale of children, and of giving them in pledge for debt, were forbidden. An edict of Diocletian forbade a free man to sell himself. Manstealers or kidnappers (*plagiarii*) were punished with death. The insolvent debtor was withdrawn from the yoke of his creditor. While the slave trade was permitted, the atrocious mutilation of boys and young men, too often practised, was punished with exile, with condemnation to the mines, and even with death. In redhibitory actions (for the annulment of sales), if a slave were returned to the seller, so must also be his parents, brothers, and *personæ contubernio conjunctæ*. In the interpretation of testaments it was to be assumed that members of the same family were not to be separated by the division of the succession. The law also favoured in special cases the security of the peculium, though in general principle it still remained the property of the master. The state granted to public slaves

[1] "Nec ignotum est quod multa contra juris rigorem pro libertate sint constituta"—Ulpian.

the right of bequeathing half their possessions; and private persons sometimes permitted similar dispositions even to a greater extent, though only within the familia.[1] Hadrian took from masters the power of life and death, and abolished the subterranean prisons. Antoninus Pius punished him who without just cause (*sine causa*) killed his own slave as if he had killed another's. Already in the time of Nero the magistrates had been ordered to receive the slave's complaint of ill-treatment: and the lex Petronia, belonging to the same or probably to an earlier period, forbade masters to hand over their slaves to combats with wild beasts. Antoninus directed that slaves treated with excessive cruelty, who had taken refuge at an altar or imperial image, should be sold; and this provision was extended to cases in which the master had employed a slave in a way degrading to him or beneath his character. Marcus Aurelius gave to masters an action against their slaves for any cause of complaint, thus bringing their relation more directly under the surveillance of law and public opinion. A

1 "Dumtaxat intra domum." Plin., *Epist.*, viii. 16.

slave's oath could still not be taken in a court of law; he was interrogated by the "question"; but the emperors and jurists limited in various ways the application of torture, adding, however, to the cases in which it could previously be appealed to, that of the crime of *majestas*. For certain alleged offences of the master the slave could bring an action, being represented for the purpose by an *adsertor*. Emancipation was facilitated; some of the old formalities were dispensed with; obstacles to it were removed, and legal difficulties solved in such a way as to further it. The power of imposing conditions on testamentary manumissions was restricted, and these conditions were interpreted in the sense most favourable to freedom. The emperor could confer liberty by presenting a gold ring to a slave with the consent of the master, and the legal process called *restitutio natalium* made him a full citizen. It was decided that liberty could not be forfeited even by a prescription of sixty years' duration.

The rise of Christianity in the Roman world still further improved the condition of

the slave. The sentiments it created were not only favourable to the humane treatment of the class in the present, but were the germs out of which its entire liberation was destined, at a later period, in part to arise. It is sometimes unreasonably objected to the Christian church that it did not denounce slavery as a social crime and insist on its immediate abolition, that on the contrary it recognised the institution, ecclesiastical persons and societies themselves being owners of slaves. We have seen that slavery was a fundamental element of the old Roman constitution, not only incorporated with the laws, but necessarily arising out of, and essential to, the military mission of the state. When the work of conquest had been sufficiently achieved, it could not be expected that a radical alteration should be suddenly wrought either in the social system which was in harmony with it, or even in the general ideas which had grown up under its influence. The latter would, indeed, be gradually affected; and accordingly we have observed a change in the policy of the law, indicating a change in sentiment with respect to the slave class, which does not appear to

have been at all due to Christian teaching, but to have arisen from the spontaneous influence of circumstances co-operating with the softened manners which were inspired by a pacific regime. But the institution itself could not be at once seriously disturbed; it was too deeply rooted and too closely bound up with the whole existing order of things. If it could have been immediately abolished, the results must have been disastrous, most of all to the slave population itself. Before that end could be accomplished, an essentially new social situation must come into existence; society must be organised for defence as it had previously been for conquest; and this transformation could not be wrought in a day. But in the meantime much might be done towards further mitigating the evils of slavery, especially by impressing on master and slave their relative duties and controlling their behaviour towards one another by the exercise of an independent moral authority.[1] This was the work open to the members of the Christian

[1] The mutual duties arising out of the relation are stated from the Christian point of view by St. Paul, with his characteristic nobleness of sentiment, in Eph. vi. 5-9; Col. iii. 22, iv. 1. See also the Epistle to Philemon.

priesthood, and it cannot be denied that it was well discharged. They could not, of course, fundamentally alter the operation of the institution on character, and the abuses which existed under paganism continued after the establishment of the new faith, but they were diminished in extent and intensity.

Whilst the Fathers agree with the Stoics of the second century in representing slavery as, in itself, an indifferent circumstance in the eye of religion and morality, the contempt for the class which the Stoics too often exhibited is in them replaced by a genuine sympathy. They protested against the multiplication of slaves from motives of vanity in the houses of the great, against the gladiatorial combats (ultimately abolished by the noble self-devotion of a monk [1]), and against the consignment of slaves to the theatrical profession, which was often a school of corruption. The church also encouraged the emancipation of individual slaves and the redemption of captives. And its influence is to be seen in the legislation of

[1] Telemachus, in the reign of Honorius. He threw himself into the arena to separate gladiators, and was stoned by the people. But his self-sacrifice led to the suppression of these combats. The story is told in a poem of Tennyson's.

the Christian emperors, which softened some of the harshest features that still marked the institution. There is not, indeed, a uniform advance in this legislation; there is even retrogression in some particulars under Constantine, as in his renewed permission to fathers to sell their children (reserving, however, a perpetual right of redemption) and to the finder of an exposed child to make it his slave — enactments which it is sometimes sought to excuse by the prevailing poverty of his period. But a stronger influence of Christianity appears in Theodosius, and this influence is at the highest in the legislation of Justinian. Its systematic effort is, in his own words, "pro libertate, quam et fovere et tueri Romanis legibus et præcipue nostro numini peculiare est."

Law still refused in general to recognise the marriages of slaves; but Justinian gave them a legal value after emancipation in establishing rights of succession. Unions between slaves and free women, or between a freeman and the female slave of another, long continued to be forbidden, and were even punished in certain circumstances with

atrocious severity. But it was provided that the marriage of a master with his freedwoman enfranchised and legitimised their children born in slavery, and, even without marriage, if a female slave had lived with her master as wife till her death, her children were free. As witness, the slave was still subject to the question; as criminal, he was punished with greater rigour than the freeman. If he accused his master of a crime, unless the charge was of treason, he was burnt. But he could maintain a legal claim to his own liberty, not now merely through an *adsertor*, but in person. A female slave was still held incapable of the offence of adultery; but Justinian visited with death alike the rape of a slave or freedwoman and that of a free maiden. Already the master who killed his slave had been punished as for homicide, except in the case of his unintended death under correction; Constantine treated as homicide several specially enumerated acts of cruelty. Even under Theodosius the combats of the amphitheatre were permitted, if not encouraged, by the State authorities; these sports were still expected from the candidates

for public honours. Combats of men with beasts were longest continued; they had not ceased even in the early years of the reign of Justinian. A new process of manumission was established by Constantine, to be performed in the churches through the intervention of the ministers of religion; and it was afterwards enacted that clerics could at any time by mere expression of will liberate their slaves. Slaves who were admitted to holy orders, or who entered a monastery, became freemen, under certain restrictions framed to prevent fraud or injustice. Justinian annulled the personal conditions which the legislation of Augustus had required to be satisfied by the master who emancipated and the slave who was manumitted, and removed the limitation of number. The intermediate positions between slavery and citizenship, which had been established by public law, were abolished. The liberated slave, whatever the process by which he had obtained his freedom, became at once a full citizen, his former master, however, retaining the right of patronage, the abolition of which would probably have discouraged emancipation.

CHAPTER IV

TRANSITION TO SERFDOM

THE slavery of the working classes, justly described by Hume as the most important difference between the social life of antiquity and that of modern times, was not directly changed into the system of personal freedom. There was an intermediate stage which has not always been sufficiently discriminated from slavery, though the confusion of the two leads to endless misconceptions. We mean the regime of serfdom. In studying the origin of this transitional state of things, four principal considerations have to be kept in view.

1. As Gibbon observes, the substantial completion of the Roman system of conquest and incorporation reduced the supply of slaves by restricting the dealings in them to such trade as took place within the now fixed

limits of the empire.[1] It is true that, when the barbarian invasions began in the third century, many captives were made, who, when not enrolled in the army, were employed chiefly in agriculture in the provinces, but also to some extent in domestic service in great houses; the regular importation, however, was greatly and increasingly diminished, and the Romans were obliged to have recourse to "the milder but more tedious method of propagation." The effect of this was to improve the condition of the slave by rendering his existence and physical health an object of greater value to his master. It tended, indeed, directly to the transformation of slavery into serfdom by making it the interest of each family to preserve indefinitely its own hereditary slaves, who could not be replaced except with difficulty and at great expense. The abolition of the external slave trade put an end to internal sales, and the slaves became attached to the households or lands of their masters.

2. The diminished supply of slaves further acted in the direction of the rehabilitation of

[1] *Decline and Fall*, chap. ii.

free labour. A general movement of this kind is noticeable from the second century onwards. Freemen had always been to some extent employed in the public service—(*a*) as subordinate assistants to the magistrates and priests; the places of scribes, lictors, viatores, criers could be filled only by citizens; the apparitors attached to the new offices of the imperial administration were also free plebeians, with slaves in the lower ranks; these apparitorships were usually held by freedmen. So also (*b*) public works and the productive industries carried on by the State were in the second century divided amongst corporations of free plebeians, with public slaves under them. In private service the superior posts were often filled by freedmen; the higher arts—as medicine, grammar, painting—were partly in the hands of freedmen and even of *ingenui;* the more successful actors and gladiators were often freedmen and, encouraged by some of the emperors, even free citizens appeared on the stage or entered the arena. In the factories or workshops kept by wealthy persons slave labour was mainly employed; but free artisans sometimes offered their services to these establishments or formed

associations to compete with them. Free persons had all along been to some extent employed in the cultivation of land as hired labourers, and, as we shall presently find, also as tenants on the great estates. How all this operated we shall understand when we examine the remarkable organisation of the State introduced by Diocletian and his successors.

3. This organisation established in the Roman world a personal and hereditary fixity of professions and situations which was not very far removed from the caste system of the East. The purpose of this was doubtless to resist by a strong internal consolidation the shock of the invasions, to secure public order, to enforce industrious habits, and to guarantee the financial resources of the State. Personal independence was largely sacrificed, but those still more important ends were in a great measure attained. The all-pervading nature of this discipline will be understood from the following particulars. Members of the administrative service were, in general, absolutely bound to their employments; they could not choose their wives or marry their daughters outside

of the collegia to which they respectively belonged, and they transmitted their obligations to their children. If they abandoned their posts, they were sought for everywhere and forced to return. Only in certain defined cases were they permitted to procure substitutes, who became subject to the same responsibilities. In municipalities the *curiales*, or members of the local senates, were bound, with special strictness, to their places and their functions, which often involved large personal expenditure; there were other members of the municipal service who might supply a substitute on condition of resigning to him their property, but this power was rarely used; they commonly remained in their posts. Their families, too, were bound to remain; they were attached by the law to the collegia or other bodies to which they belonged. The soldier, procured for the army by conscription, served as long as his age fitted him for his duties, and his sons were bound to similar service. The same sort of compulsion appears to have been exercised upon those belonging to, at least, such free industrial corporations as were recognised and regulated by the central

or local government. Every one was treated, in fact, as a servant of the State, and was bound to furnish labour or money, or both; those who worked only for private profit were classed as "idle" (*otiosi*), and could be forced to become members of collegia whose numbers were defective. The nature of each man's labour was permanently fixed for him; he was, in the language of the law, "conditionis laqueis irretitus." This general system, by diminishing the freeman's mastery over himself and his power to determine his occupation, reduced the interval between him and the slave; and the latter on the one hand, the free domestic servant and workshop labourer on the other, both passed insensibly into the common condition of serfdom.

4. The corresponding change, in the case of the rural slaves, took place through their being merged in the order of *coloni*. The Roman colonus was originally a free person who took land on lease, contracting to pay to the proprietor either a fixed sum annually or (when a *colonus partiarius*) a certain proportion of the produce of the farm. Under the emperors of the fourth century the

name designated a cultivator, who, though personally free, was attached to the soil, and transmitted his condition to his descendants; and this became the regular status of the great mass of Roman cultivators. In sanctioning this personal and hereditary fixity, the law probably only recognised and extended a state of things which had previously existed, having been spontaneously brought about by the circumstances of society, and especially by the needs of agriculture. The class of coloni appears to have been composed partly of tenants by contract who had incurred large arrears of rent and were detained on the estates as debtors (*obærati*), partly of foreign captives or immigrants, and also, apparently, of fugitives from the barbarian invasions, whom the State settled in this condition on the land, and partly of small proprietors and other poor men who voluntarily adopted the status as an improvement in their position. They paid a fixed proportion of the produce (*pars agraria*) to the owner of the estate, and gave a determinate amount of labour (*operæ*) on the portion of the domain which he kept in his own hands (*mansus dominicus*). The law for a long time

took no notice of these customary tenures, and did not systematically constitute them until the fourth century. It was indeed the requirements of the fiscus and the conscription which impelled the imperial Government to regulate the system. The coloni were inscribed (*adscripti*) on the registers of the census as paying taxes to the State, for which the proprietor was responsible, reimbursing himself for the amount. The same principle of legal fixity was introduced into the colonatus which we have already seen applied to urban industries. In a constitution of Constantine (332 A.D.) the colonus is recognised as permanently attached to the land. If he abandoned his holding, he was brought back and punished; and any one who received him had not only to restore him but to pay a penalty. He could not marry out of the domain; if he took for wife a colona of another proprietor, she was restored to her original locality, and the offspring of the union were divided between the estates. The children of a colonus were fixed in the same status, and could not quit the property to which they belonged. They and their descendants were retained, in the words

of a law of Theodosius, "quodam æternitatis jure," and by no process could be relieved from their obligations. By a law of Anastasius, at the end of the fifth century, a colonus who had voluntarily come into an estate was by a tenure of thirty years for ever attached to it. The master (*dominus*) could inflict on his coloni "moderate chastisement," and could chain them if they attempted to escape, but they had a legal remedy against him for unjust demands or injury to them or theirs. In no case could the rent or the labour dues be increased. The colonus could not be transferred apart from the land nor the land without the colonus, and a sale must not have for effect the separation of members of the same family. He could possess property of his own, but could not alienate it without the consent of the master. Thus, on the one hand the members of the class were personally free, on the other their condition had some incidents of a semi-servile character. They were actually designated by Theodosius, though the lax language of the codes must not be taken too literally, "servi terræ cui nati sunt." And Salvian treats the proposition "coloni divitum fiunt" as equiva-

lent to "vertuntur in servos."[1] This is indeed an exaggeration; a deduction must always be made from the phrases of "the mediæval Jeremiah"; the colonatus was not an oppressive system; it afforded, on the contrary, real security against unreasonable demands and wanton disturbance, and it was a great advance on the system of cultivation by the *familia rustica*. But the point which it is important for our present purpose to observe is, that there was a certain approximation between the condition of the colonus and that of the slave, which tended towards the fusion of both in a single class. To make this plain we must go a little further into detail.

Besides the coloni there were on a great estate—and those of the fourth century were on a specially large scale—a number of prædial slaves, who worked collectively under overseers on the part of the property which the owner himself cultivated. But it was found convenient, and became a common practice, to settle certain of the slaves (and possibly also of the freedmen) on other portions of the estate, giving them

[1] *De Gubern. Dei*, v. 8, 9.

small farms on conditions similar to those to which the coloni were subject. These slaves are, in fact, described by Ulpian as *quasi coloni*. They had their own households and were hence distinguished as *casati*. In law these slaves were at first absolutely at the disposal of their masters; they had no property in the strict sense of the word, and could be sold to another proprietor and separated from their families. But the landlord's interest and the general tone of feeling alike modified practice even before the intervention of legislation; they were habitually continued in their holdings, and came to possess in fact a perpetual and hereditary enjoyment of them. By a law of Valentinian I. (377) the sale of these slaves was interdicted unless the land they occupied was at the same time sold. The legal distinction between the coloni and the slave tenants continued to exist after the invasions; but the practical difference was greatly attenuated. The colonus often occupied a servile mansus, and the slave a mansus originally appropriated to a colonus. Intermarriages of the two classes became frequent. Already

at the end of the seventh century it does not appear that the distinction between them had any substantial existence. The servile tenures were, no less than the others, stable and hereditary; and the charges to be borne by the former were not necessarily the heavier.

Whilst giving their due weight to the social and economic circumstances which tended thus to merge the free labourer and colonus on the one hand and the slave on the other in a common class of serfs, we must never leave out of account the directly moral agency which the Church exercised in modifying slavery and favouring individual emancipations. Nor ought we to restrict our view, as is too commonly done, to the influence of Christian doctrine and precept considered in themselves, which would have been comparatively ineffectual; we must regard them as systematically applied to practice in daily life by an independent spiritual order, which was recruited from all the social ranks, and was revered alike by the two classes whose relations it assisted in regulating. The general attitude of the

priesthood towards slavery is sufficiently shown by the celebrated declaration of Gregory the Great.[1]

A review of what has been said will make it plain that the Northern invasions had little to do with the transition from slavery to serfdom. Only two modes have been suggested in which they may possibly have accelerated the change. It is not likely that the newly established proprietors would understand, or respect in practice, nice distinctions between classes of cultivators; they would probably regard the coloni and slaves, now that their conditions were so much assimilated, as standing on the same basis. And, secondly, the Germans, if we may believe Tacitus,[2] had in their original seats no menial slaves, whilst, on the other hand, they were familiar with the system of slaves settled on separate portions of a domain and paying a fixed share of the

[1] "Salubriter agitur, si homines quos ab initio natura creavit liberos et protulit, et jus gentium jugo substituit servitutis, in ea natura in qua nati fuerant, manumittentis beneficio, libertati reddantur." Ep. S. Gregorii Magni, l. v. ep. xii.

[2] *De moribus Germ.*, c. 25.

produce to its owner. There may be a certain weight to be attached to these considerations. But, on the whole, it appears that, as in the case of the rise of the feudal system generally, so in the particular respect of the qualified personal freedom which accompanied it, the influence of the Northern nations was really of little account, and that both changes would have equally, though perhaps not so speedily, taken place if the invasions had never occurred.

The peaceful revolution thus wrought was a truly beneficent one. The serf, no longer liable to separation from his wife and children, was able to form a family, in the proper sense of that word. As head of a separate household, he could claim for himself and its other members their full share of the moral instruction which was provided by the Church for the faithful. By being allowed, as custom prescribed, to retain a portion of his earnings, he could expect to acquire by purchase his complete liberation. And the necessity, in most instances, of buying his freedom was far

from being a pure evil, any more than it had been in the case of the Roman slave. For he was stimulated by the prospect to habits of industry, providence, and self-control, and his capacity to guide his own conduct after entire emancipation was ascertained and guaranteed.

CHAPTER V

ABOLITION OF SERFDOM

WHILST ancient slavery was, as we have seen, a system fitted to endure under given social conditions, and had a definite political function to fulfil, the serfdom which succeeded when that function was exhausted was a merely transitory condition, with no other destination than that of leading the working population up to a state of entire personal freedom. How the serf in cities and towns became a free labourer for hire can be easily conceived; he doubtless in many cases purchased his liberty out of his earnings, and in others it was not the master's interest to retain his services at the cost of his maintenance. The emancipation of this entire class was favoured by the movement (not, however, to be confounded with it) which established free industrial communities

and gave them municipal jurisdiction. But it is very difficult to trace the steps by which the rural serf was transmuted into a free tenant. "The time and manner," says Adam Smith, "in which so important a revolution was brought about is one of the most obscure points in modern history."[1] Smith himself attributes the change to two causes—(1) the greater advantage to the proprietor derived from the exertions of the cultivator when he worked entirely for himself; and (2) the encouragement which sovereigns, jealous of the great lords, gave to the villeins (under which term Smith seems to comprehend the whole mixed class of non-free tenants) to encroach on their authority. To these economic and political reasons, though doubtless real and important, Smith appears to attribute too exclusive an efficacy, neglecting the moral and religious causes which con-

[1] *Wealth of Nations*, bk. iii. chap. 2. "This," says Hallam, "like many others relating to the progress of society, is a very obscure inquiry. We can trace the pedigree of princes, fill up the catalogue of towns besieged and provinces desolated, describe even the whole pageantry of coronations and festivals, but we cannot recover the genuine history of mankind." *Middle Ages*, chap. viii. part 3.

spired to the same result, especially the personal influence of the clergy, who were natural mediators between the serfs and the proprietors. The serfs were best treated on the ecclesiastical estates, and on private properties many liberations were granted at the solicitation of the priesthood, "pro amore Dei" and, especially on deathbeds, "pro remedio animæ."[1]

In studying the history of the abolition of serfdom, so far as we have materials for the inquiry, there is one general fact which is soon brought to light, namely, that, however necessary and important as a step in social progress, the abolition was not, taken by itself, so marked an advance in the position of the rural cultivator as might at first be supposed.

[1] Manumissions were either *in ecclesia* in the presence of the clergy, or *per libellum* or *per testamentum*. The following is a formula of emancipation *in ecclesia* given in Sirmond (xii. *Ingenuitas*)—"Igitur in Dei nomine pro remedio animæ meæ vel æterna retributione servum juris mei nomine illum ingenuum esse praecipio et in sacro-sancta Ecclesia beatissimi Sancti illius sub præsentia sacerdotum ibidem consistentium ante cornu altaris ab omni vinculo servitutis eum absolvo, ita ut deinceps tanquam si ab ingenuis parentibus fuisset natus vel procreatus, eat, pergat partem quam voluerit, et sicut alii cives Romani vitam ducat ingenuam."

It relieved him, indeed, from some degrading incidents and tended to awaken in him a sense of personal dignity; it at once cleared the ground and created a demand for the ulterior progress which more vitally affected his lot. But after the abolition, unless that act were accompanied by further provisions, the peasant and his family, even when they had a permanent tenure of the land they cultivated, remained subject to a number of oppressive services, and to dues in kind or in money often excessive and even arbitrary in their amount. Though the law no longer bound him to the soil, he could not afford to quit the holding which was his only source of subsistence, and had to submit to such hard conditions as might be imposed on him, and his lord in some instances possessed a legal jurisdiction over him which prevented his obtaining justice against wrong when that wrong proceeded from the lord himself or his agents. The removal of these hardships was in general favoured by the central governments of states, who were led to the adoption of this policy chiefly by their own interests and ambitions; but was retarded and rendered

difficult by the opposition of the aristocracy, who obstinately clung to their traditional privileges. Thus the transformation of the tenant—no longer a serf—into a really independent citizen was a tedious process, requiring from statesmen an administrative ability, energy, and, above all, perseverance which were not always forthcoming. Even where all traces of feudal subjection had disappeared and the peasant held by a formally voluntary contract, he was yet not seldom at the mercy of his landlord, who could raise the rent at will and oblige him to consent to the increase by the threat of dispossession, who sometimes periodically let the land by auction to the highest bidder, and who could appropriate without compensation such improvements as the displaced occupier had been able to make. The legislative problems which these evils forced on the social reformer, though they have been much discussed and have prompted to a good deal of serious effort, cannot be said to have yet received a final solution. It is beyond the purpose of the present treatise to give an account of the later developments in this direction, which belong not to the history of

slavery, but to that of society at large and, in particular, of the agricultural classes, in modern times. We shall deal only with such reforms as were essentially connected with, and were needed to carry into full effect, the abolition of serfdom, and may be regarded as, in fact, forming a part of that operation.

Let us examine more particularly the circumstances of the transition in the several European countries, so far as they can be traced.

France.

M. Guérard[1] has shown that from the conquest by Cæsar to the abolition of feudalism there was a steady improvement in the condition of the class originally enslaved. He distinguishes three periods—one of slavery proper, lasting till the conquest of Gaul by the barbarians; the second, ending about the close of the reign of Charles the Bald (d. 877), in which slavery is replaced by an inter-

[1] *Polyptyque d'Irminon*, I. p. 277; *Cartulaires de France*, I. § 31, *seq.* Hallam (*Middle Ages*, note xv. to chap. II.) is sceptical as to M. Guérard's conclusions, but they are supported by a great body of evidence, and appear to be substantially correct.

mediate state which he calls by the indeterminate name of "servitude," the rights of the *servus* being recognised, respected, and protected, if not yet in a sufficient degree by the civil laws, at least by those of the Church and by social manners;[1] and a third in which, under the developed regime of feudalism, serfdom proper is fully established and the serf-tenant has become simply a tributary under various appellations (*homme de corps* or *de pôté, mainmortable, taillable, serf, vilain*). The three personal conditions here described coexisted to some extent in all these periods, one of them, however, greatly preponderating in each. At the end of the ninth century the serf-tenants had acknowledged rights of property and succession in their holdings. Under the third dynasty they were rather subjects than tenants, and the dues they paid were

[1] In this period all the social elements were being pressed into the mould of the feudal system, which was alone fitted to meet the exigencies of the times; and harsh methods were doubtless sometimes used to effect this object. Many voluntarily became serfs of powerful men or religious establishments for the sake of the protection thus secured against violence, or to obtain subsistence in times of scarcity, which were then peculiarly frequent.

rather taxes than rents; they were, in short, vassals occupying the lowest round of the feudal ladder. Not only did the serf belong to the land, but the land belonged to the serf; and it was as difficult to dispossess him of his *mansus* as to deprive the seigneur of his fief.

Guérard enumerates as immediate causes which led to the liberation of serfs (besides the master's voluntary gift or bequest) their flight — with the prescription which arose after a certain interval of absence,—ordination, redemption by themselves or others, marriages with women of higher status, and the action of law in the case of certain wrongs inflicted by the master. That the Church co-operated to the same result might be shown by many instances. Thus St. Benedict of Aniane (d. 821), the reformer of the monasteries in the Carolingian territories, received a number of donations of lands from the faithful; but, whilst accepting them for his religious establishments, he enfranchised the serfs who cultivated them.

A charter of emancipation, comprehending the whole population of a village, was some-

times given by a lord in return for a money payment; such acts, however, were impeded by the necessity of obtaining the consent of all the feudal superiors of the enfranchising vassal—a consent often refused from personal ill-will or made dependent on a pecuniary consideration. This difficulty was diminished by the falling-in of many seignorial possessions to the Crown, which was led by its own interest to favour the rural, as it had already done the civic communities, against the aristocracy. Philip Augustus devised a method of creating new citizens (*bourgeois du roi*) throughout the entire realm; the tenants of crown-vassals or of the feudal inferiors of these, though continuing to reside on the land, could repudiate their lord by a declaration on oath, and become burgesses of a particular city, by payment of a fixed yearly amount. So accessible and effectual was this process that tenants refused to redeem themselves when their lords were willing to accept a ransom. From the reign of Philip IV. dates the enfranchisement of whole counties and provinces, which was dictated to the king by his want of funds to carry on his Flemish wars; and his policy

was continued, with the same object of raising money, by his son Louis X. (le Hutin), who offered freedom to all the tenants on the royal domains, but demanded so high a price that few availed themselves of the opportunity. Probably the edicts of these kings were little more than the recognition of a *fait accompli*, and gave nothing which the tenants did not already practically enjoy. It is certain that the mass of the tillers of French soil ceased to be serfs in the course of the fourteenth century. But they remained subject to heavy dues and burdens, partly personal and partly incidental to the tenure of land, which continued, though mitigated, yet oppressive and keenly felt, down to the period of the Revolution.[1] Let us glance at the position of the peasant at that epoch.

He was, it should be remembered, very commonly the owner of some of the fields he cultivated. The notion long current in England, that the subdivision of landed property

[1] What they suffered, at least in some provinces of the kingdom, from aristocratic tyranny, even in the best period of Louis XIV.'s reign, may be judged from the description given in the *Mémoires* of Fléchier on the *Grands Jours d'Auvergne* of 1665.

dates from the Revolution, is now well known to be an error. The tenants had, since the fifteenth century and even earlier, in a great number of cases purchased their little holdings from the lords. French economists had often complained of what they regarded as the undue multiplication of small rural properties. When Arthur Young travelled through the country, he was greatly struck by the "prodigious division of landed property . . . probably half, perhaps two-thirds of the kingdom," he said, "were in the possession of little proprietors."[1] This is now believed to have been an over-estimate, but it is admitted that peasant properties occupied one-fourth of the soil. Of course, besides the strip of land which the peasant had acquired as his own, he often cultivated an additional portion as tenant, usually as métayer, and not unfrequently worked also as a labourer for hire.

The seigneurs had ceased to hold in their hands the administration of the rural districts: it had passed to the central government, which, through the intendant and his subordinate officers, directed or controlled the

[1] *Travels in France*, ed. of M. Betham Edwards, p. 330.

affairs of every parish. With the exception of some relics of local jurisdiction, usually exercised through deputies, the nobles took no part in the conduct of public business. They resided at Paris, and their ambition was to shine at court, and win the royal favour. Their rank remained; their political functions had disappeared. They were separated from the other inhabitants only by their immunities and privileges. To these last belonged the feudal rights which they still enjoyed. These had been much modified in process of time, and were now mainly pecuniary in their nature. They were extremely diversified in different provinces, and even in different parts of the same province; but the most general, as well as the most important, were the following:—Seignorial corvées or labour rents, which, however, were now exceptional and very light; tolls on roads, fairs, and markets; the necessity imposed on the peasant of grinding his corn at the seignorial mill, crushing his grapes in the seignorial wine-press, and baking his bread in the seignorial oven; fines paid to the lord when lands were bought or sold within the manor; quit-rents

or dues in money or kind, payable to the lords and incapable of redemption. The seigneurs had the exclusive right of sporting, which was guarded by most oppressive game laws.[1] These privileges belonged to the spiritual lords and the heads of religious communities no less than to the temporal nobles; they levied the same dues and enforced the same labour-rents, and even possessed serfs in some Eastern districts acquired by conquest, where they were still to be found. Thus, the count bishop of St. Claude in Franche Comté had 40,000 serfs, whose cause had been pleaded by Voltaire, and who were enfranchised only a little before 1789.

What made the remains of the feudal system so hateful and intolerable as we know them to have been was the fact that the claims of the lords were no longer connected with the duties of government. The charges they levied were paid without any equivalent service being rendered, and seemed an arbit-

[1] See De Tocqueville, *L'Ancien Régime et la Révolution*, Eng. tr. by Henry Reeve, bk. ii. chap. i. De Tocqueville gives in a note a detailed account of feudal rights as described by legal writers in the latter half of the eighteenth century.

rary tribute exacted from one owner of land by another. The partial destruction of the mediæval régime made its surviving features more unreasonable and odious; and far heavier burdens were borne in Germany with comparative patience. All the remains of French feudalism were suddenly swept away in the sitting of the National Assembly on the memorable night of the 4th of August 1789.

England.

Guérard has observed[1] on the difficulty created by the ambiguity of the word *servus* in the mediæval authorities. In the study of English serfdom, even eminent writers like Robertson, Hallam, and Kemble have obscured the subject by the use of the term *slave*, sometimes in its proper sense, sometimes in relation to the *serf*. Dr. Stubbs has avoided this equivocal nomenclature, and by attending more to social fact than to the letter of the law, has placed the history of the class in a clear light.[2] The slaves of Anglo-

[1] *Polypt. d'Irminon*, I. p. 388.

[2] *Constitutional History*, i. pp. 79, 429 *sqq.*

Saxon times were "regarded as the stock of their owner; . . . their offences against a third person he must answer for, as for the mischief done by his cattle; . . . they had no *wergild*, no credibility, no legal rights; wrongs done to them were regarded as wrongs done to their legal master." Practice, indeed, was kinder to them than legal theory; they were entitled to a due allowance of food, "their holy days were secured to them." They were, "in some unexplained way," allowed, as in the case of the Roman peculium, to keep their savings, and so to purchase their freedom; and "the spiritual law could enforce a penance on the master for ill-treating them." There were laws of Ethelbert and Canute forbidding the sale of men to heathen masters, and the slave trade, the principal seat of which was Bristol, was put down by the preaching of St. Wulfstan. After the Norman Conquest, the systematic depression of the higher ranks of the Anglo-Saxons by William and his successors tended to draw closer together those of them who retained a portion of their properties under feudal tenure and their unfree sub-tenants. The sovereigns were, under the

modified feudal system which prevailed in England, much more independent of the nobles and the spiritual lords than the continental rulers—all subordinate vassals taking an oath of obedience to the King, and recognising their allegiance to him as more binding than their obligation to their immediate superiors. England was thus early knit into a true monarchy, and the crown was able to protect the lower classes against the wrongs and usurpations of the higher. The villein of Domesday Book is not a slave; he represents the Anglo-Saxon *ceorl;* he is an irremovable cultivator, now regarded as customary tenant of a lord. The Norman knights probably confounded with the *villanus* the *bordarii* and other tenants who stood on a less favourable footing. Whilst the free ceorl became a villein, the *servus* (*theow*) disappeared altogether. The position which the class constituted by this fusion came to occupy was one "compatible with much personal comfort and some social ambition." The villeins "were safe in the possession of their homes; they had a remedy against the violence of their masters; they could, if they chose to renounce their

holdings and take refuge in a town, become members of the guild, and there, when unclaimed for a year and a day, obtain the full rights of freemen"; and, if the fugitive were claimed by his former master, the law favoured his freedom and threw obstacles in the way of the prosecution of the suit. "Under a fairly good lord, under a monastery or a college, the villein enjoyed immunities and security that might be envied by his superiors; he had a ready tribunal for his wrongs, a voice in the management of his village; he might with a little contrivance redeem his children and start them in a higher state of life." Walter Map declares that in his time (12th century) the villeins were educating their ignoble offspring in the liberal arts. Within the long reign of Henry III. large bodies of them became copyholders, retaining—they and their descendants—the farms they occupied so long as they fulfilled the definite conditions of their tenure which were recorded in the courts. And prior to, and during, these collective enfranchisements, many individuals were emancipated by their owners, or redeemed by benevolent persons, influenced chiefly by the counsels of the

priesthood. During the century filled by the reigns of the three Edwards we find a great number of free agricultural day-labourers demanding wages so high that the King interfered to reduce the rate; these were doubtless emancipated serfs, or their sons. In the early part of the fourteenth century "it was by a mere legal form that the villeins were described as less than free." In the reign of Richard II. it seems that "the legal theory of their status," which was moulded on the Roman doctrine of slavery, "had become hardened and sharpened so as to warrant almost wanton oppression"; but social causes, on the other hand, ameliorated their actual lot. The strict principles which the lawyers tried to maintain gave way before the growing prevalence of enlightened and humane ideas.[1] It was not the normal condition of the peasants that led to the insurrection of 1381,[2] but the Statute of Labourers and the attempt of the lords to reassert legal claims which were practically

[1] This is well brought out by Professor Vinogradoff in his *Villainage in England* (1892), Essay I., chap. ii.

[2] Froissart goes so far as to say—"pour la grand aise et abondance de biens en quoi le menu peuple étoit lors et vivoit, s'émut et eleva cette rebellion." *Chron.* ii. 105.

obsolete. As money payments came into universal use as the medium of exchange, services were commuted into rents, and the relation of owner and occupier came to be regarded as a result of contract. Serfdom died out in England without any special legislation against it.[1] It survived, however, in exceptional instances in Britain, as in France; Hallam[2] mentions, as perhaps the latest deed of enfranchisement, one of Elizabeth in 1574 in favour of the bondmen on some of her manors; and it appears that in Scotland the workers in coal and salt mines were in a state of serfdom until they were liberated by Acts of the 15th and 39th years of the reign of George III.[3]

[1] Sir Thomas Smith, in his *Commonwealth of England* (published posthumously in 1583), after distinguishing "villains in grosse" as, like the *servi* and *vernæ* of ancient Rome, bound to a person or his heirs, and "villains regardant" as *adscriptitii glebæ*, adds: "Neither of the one sort nor of the other have we any great number in England. And of the first I never knew any in the Realme in my time; of the second so few there be that it is not almost worth speaking, but our law doth acknowledge them in both sorts." Smith was born in 1512 and died in 1577.

[2] *Middle Ages*, chap. viii. part 3.

[3] See an interesting article by Small in the *British and Foreign Evangelical Review*, vol. 27. It is in relation to this

2799

Italy.

The early rise of powerful city communities in northern and middle Italy produced two opposite effects on the fortunes of the rural population. On the one hand, it checked the arbitrary rule of the temporal and spiritual lords by affording a refuge to serfs who escaped from their domains. This action, of which we find evidence at the beginning of the twelfth century, became so frequent and so injurious to the seigneurs that they sought and obtained prohibitions of it from the emperors, which, however, had little practical result. The refugees obtained their livelihood by labour in urban handicrafts or were enrolled in the civic militias. The fear of losing in this way the tillers of the soil induced the lords to treat them with greater humanity, to emancipate them on easier terms, and to give them more or less fixity of tenure in their holdings. On the other hand, the expansion of the possessions of the cities them-

exceptional survival of serfdom that the Baron of Bradwardine, in *Waverley*, chap. 41, speaks of "colliers, salters, and other *adscripti glebæ* or slaves of the soil."

selves by conquest and otherwise was often unfavourable to the rural classes. The villages and country districts subjected to this new domination suffered from the weight of taxation arising out of the perpetual conflicts of rival republics, and were thus not unfrequently driven to revolts. In consequence of these, whether by way of punishment or prevention, the rural communities were deprived of the local liberties they had previously enjoyed, and were placed instead under the government of a Podestà specially appointed by the ruling city. He was able to exercise for his own gain and that of his fellow-burghers a good deal of tyranny over the peasants; and the small landowners were often constrained to sell their farms, which were then let to tenants by the year or for short terms, whose rents could be increased from time to time, and who had to submit to such increase through fear of eviction. In the course of the thirteenth and fourteenth centuries this degradation of the status of the peasant proprietors went on extensively in upper and middle Italy.

Within the same period, however, personal

serfdom ceased to exist there. The first step in the work of emancipation was taken by Bologna, which liberated, in 1256, all serfs both on public lands and on private estates, compensating the lords out of the finances of the State. Treviso, about 1260, followed the example thus set. Florence came next with an enactment (1288) permitting all unfree persons within its possessions to purchase their liberty and to compound by money payments for the feudal dues and services to which they were bound; at the same time forbidding the alienation of serfs, whether with or without the alienation of the lands they tilled, and, in case of such alienation, declaring the serf to be forthwith free. Other cities adopted a similar policy, and serfdom in these communities was either abolished by legislation or became obsolete before the close of the fourteenth century.

Much, however, had still to be done, and long remained undone, for the further relief of the class thus liberated.

The interests of the agricultural populations of Lombardy and Tuscany were earnestly studied by the Austrian Hapsburgers. Maria

Theresa conferred on the former province the double boon of an honest and accurate valuation of the land and a liberal constitution of the rural communes; and Leopold (afterwards Emperor) in the latter abolished any surviving feudal services and gave to the tenants-at-will on the grand-ducal, ecclesiastical, and communal territories, the property in their holdings, or a heritable estate in them, on condition of an equitable price or a fair rent.

Turning to southern Italy, we find that under the Norman and Hohenstaufen princes of both the Sicilies the peasants on the estates of the nobles and the Church were for the most part unfree and bound to the soil; but there were a considerable number of free men on the royal domains. When the kings were strong enough to hold the aristocracy in check, the condition of the tenants was sufficiently good. They could dispose of their possessions by will, and in case of intestacy the heir succeeded. Their feudal services were determinate in kind and amount, and the laws protected them against oppressive treatment. Frederick II. (1231) abolished serfdom on the Crown lands, and deprived the lords of the

power of life and death over the serfs on their estates.

Under the Angevine house which ruled at Naples, the state of things was changed for the worse. Feudal rights, hitherto unknown, were introduced from France, and the nobles exercised a criminal jurisdiction to which in many cases they had no legal claim. In the island of Sicily the lords succeeded in obtaining from the Aragonese monarchs, during the confusions of the fourteenth and fifteenth centuries, an unlimited right to this jurisdiction, excluding even an appeal to the crown. When Naples and Sicily were united (1504) under Spanish rule, the agricultural population suffered much from the too often corrupt and selfish tyranny of the viceroys. Nor was their condition improved when the Bourbon government succeeded (1735). Even in the latter part of the eighteenth century they were subject to many galling and oppressive feudal burdens; the number of peasant owners or hereditary tenants was extremely small, and the practice was to give only very short leases of their holdings, and

these filled with unreasonable and harassing limitations and conditions. We have trustworthy accounts by eye-witnesses of the wretched state of the tillers of the soil, which remind us of La Bruyère's celebrated description of the French peasantry of the seventeenth century.

In Piedmont and Savoy several of the Sardinian princes deserved well of their people; especially Victor Amadeus II. and Charles Emanuel III., the former by abolishing the feudal services, and the latter by enabling the peasants to redeem their remaining burdens at rates fixed by a commission appointed for the purpose—an object, however, which was only imperfectly effected. The entire extinction of feudal privileges was greatly furthered by the French occupation of Italy after the Revolution. Whether directly by legislation, or by their influence with the princes who still retained a portion of their dominions, or by the threatening insurrectionary tendencies which their presence and their professions awakened in the Italian populations, the invaders gave to the already weakened feudal

system a blow, the effect of which the restoration of the old governments on the downfall of Napoleon retarded, but could not defeat. These governments were indeed too often indisposed to work out the necessary reforms, or, when they had the will, lacked the persistent energy to carry them through against the interested opposition of the aristocracy. But there were happy exceptions, as in the case of Charles Albert, who (though guilty of some grave errors in government) wrought (1831), in the Island of Sardinia, a peaceful revolution similar to that of 1807 in Prussia, and so did much to deserve for his family the high destiny which awaited them in the future.

Spain.

Amongst the Christian refugees in the mountains of Asturias, the sense of brotherhood arising from common sufferings and perils bound the higher and lower ranks closely together; and, in the course of the subsequent gradual recovery of the Peninsula, policy dictated to the lords such a treatment

of the agricultural population as would attract settlers from the territories still subject to the Moors, and promote the cultivation of the soil which had been devastated in the struggle of the races. Hence the condition of the Spanish peasantry was from very early times better than that of the corresponding class in most of the other European nations. Serfdom, though recognised by the laws of the Visigoths, existed[1] only in a comparatively mild form in the newly-won states, if we except the territories which had been conquered by the Franks and were comprised in the "Spanish March." Rights and privileges, elsewhere unknown at the period, were conferred by the lords and the ecclesiastical corporations on the rural communes by "fueros" older than those, known by the same name, which were accorded by the Crown to the municipalities. Full personal freedom was secured by these grants to all settlers; they held the lands they

[1] Byron, however, goes too far when he says (Note on *Lara*) that "the lower classes in Spain were never vassals of the soil." Hallam appears to give too favourable a view of the condition of the peasants in Castile; see Piernas Hurtado, *Hacienda Publica*, vol. ii. p. 40.

tilled by a hereditary tenure, and were free from the most oppressive and odious of the feudal obligations. At the end of the thirteenth century all the communes were in possession of "fueros," and serfdom did not exist except in Catalonia and a part of Aragon—districts which had been included in the Spanish March. Ferdinand the Catholic, in 1486, extended the work of liberation to those provinces, and substituted for the feudal dues and services to which the agricultural inhabitants were subject, fixed pecuniary charges.

But a change for the worse took place before long. In the reign of Charles I. (better known as the Emperor Charles V.) the peasants took part in the Revolt of the Comuneros, whilst the nobles were on the side of the king; and after the victory of the latter in the battle of Villalar (1521), being deprived of the protection of the crown, they were subjected in a great degree to the arbitrary rule of the aristocracy. From the middle of the sixteenth to the middle of the eighteenth century, though personally free, they suffered under so many

and such serious grievances that Feyjoó in 1739 declared the lot of the Spanish peasant to be worse than that of a galley slave. In the national decadence resulting from the retrograde policy of the court and the indolent selfishness of the nobility, who neglected all the duties of their rank, the rural lower classes were the worst sufferers, and the population of the country in a hundred and fifty years was diminished by one half. Some efforts were made by the Spanish Bourbons, and especially by the best of them, Charles III. (1759-1788), to correct these evils, but they failed in consequence of the opposition of the privileged classes.

Revolt and civil war in the end effected the necessary reforms. With the general revival of Spain marked by the Cortes of Cadiz and the Constitution of 1812 came the creation of an independent peasantry, hereditary tenants and not seldom owners of their farms. The patrimonial jurisdictions, which had been an engine of oppression, were abolished. The operation of these measures was interrupted and delayed, but not in the end defeated, by the restoration

of Ferdinand VII. The sale of the crown domains, and the secularisation of Church property (1836-1840), threw an abundance of land upon the market, and advantage was taken of this by many tenants to become possessors in fee.

GERMANY.

The condition of the peasantry in many parts of Germany was greatly improved between the middle of the twelfth century and that of the fifteenth. This was due in some degree to the action of the prosperous and rising cities of the Empire. These were proud to protect the agricultural population against their lords, and so persistently sheltered in their suburbs fugitive serfs, thence known as Pfahlbürger, that the Emperors sought in vain to put an end to the practice. The condition of such serfs as belonged to the agricultural districts in the possession of the cities themselves contrasted, on the whole, favourably with that of the tenants on other estates, and they were emancipated on easier terms. But

many of the temporal lords and heads of ecclesiastical establishments were led by the thinness of the rural population and the consequent deficiency of labourers, due to constant wars and migrations on the great scale, to improve the position of their peasants, to make their tenures hereditary, and to lighten the weight of the services imposed upon them; and numerous free peasant communities came into existence, especially in Suabia, Franconia, the Rhine districts, and Westphalia. There were other regions, however, in which, all through this period, the condition of the same class remained substantially what it had been before.

In the second half of the fifteenth century depressing influences began to operate. The introduction of the Roman law, a system which had grown up in, and was adapted to, a society founded on slavery, tended to substitute for the liberal customs which had largely prevailed, rigid legal conceptions of the rights of proprietors. The various degrees of subserviency (*Hörigkeit*) which had come to be recognised in the course of social

development, and some of which were very mild in character, were all conceived by the new jurists as conforming to a single type and merged in the common description of serfdom (*Leibeigenheit*). The peasantry lost the share they had had in the administration of justice in their villages. The increasing financial needs of the princes and nobles arising out of the growing luxury of the period—a luxury with which mental cultivation did not keep pace—prompted them to lay heavier burdens of dues and services on the shoulders of the tenants. The endless wars and feuds of the time in Germany compelled many free peasants to surrender their independence and place themselves under the protection, and so under the lordship, of powerful men.

The new grievances to which classes previously enjoying some degree of freedom were now subjected, were without doubt the principal causes of the Peasants' War of 1525, which wrought in some quarters an immediate alleviation of their burdens. The remembrance of this revolt appears to have checked for a time the usurpations of the nobles on

the rights of the rural population. But those rights were again invaded, more seriously than ever before, during the social confusion and general impoverishment created by the Thirty Years War. Immediately after the Peace of Westphalia a practical despotism was established, as well in the greater states as in the minor principalities; and the absolute rule of the courts was imitated by the meaner and more grinding tyranny of the nobles. The peasants were left without protection against their arbitrary demands, the governments siding with the landed aristocracy with the view of reconciling them to the suppression of the diets which was commonly carried into effect, and by which the nobles lost prestige and importance. The period intervening between the middle of the seventeenth and the middle of the eighteenth century was one of the gloomiest through which the German peasant has had to pass. In general not legally in the condition of serfdom, in the full sense of that word, but only of a limited subjection, he was liable to be treated with great brutality, and was in practice at the mercy of the lord as regards the dues he had to pay and the services

he had to render; the Landesvater too often took little thought about him, and the officials of the State, when they did not themselves oppress him, afforded him no adequate protection.

The modern movement towards his enfranchisement can be traced more clearly in Germany than elsewhere, its date being more recent and the historical documents respecting it more complete. We cannot, however, here follow it in detail in all the various forms which it assumed in the several German states. We shall describe pretty fully what was done in Prussia and Austria, only briefly indicating the action taken in the other kingdoms and in the minor states.

Prussia.

The kings of the House of Hohenzollern have always been desirous of improving the condition of the peasants in their dominions. Frederick I. in 1702 declared his intention of abolishing serfdom on all the royal domains whenever the peasants repaid the cost of the building of their houses and the allowances which had from time to time been made to

them in cattle and seed. But the King wanted the firmness necessary to carry out this project against the opposition it encountered; and indeed the poverty of the peasants would have sufficed to render it ineffectual. Frederick William I., who was by nature a practical economist, and who laboured in many ways to remedy the evils which were the disastrous legacy of the Thirty Years War, in order to attract settlers to the specially depopulated provinces of East Prussia, in 1719-20 abolished serfdom on the crown lands there, and gave the peasants a hereditary right in their holdings. But he defeated his own ends by confirming the existing prohibitions against the free choice of a calling by the agricultural tenants and the liberty of removing from their districts (*Freizügigkeit*), by leaving undetermined the burdens which could be imposed on them, and by enforcing upon their children personal service in the houses of the lords. In Prussian Pomerania the abolition of serfdom failed in consequence of the resistance of the peasants themselves, whose past experience led them to suspect that the innovation was introduced with other than benevolent objects.

Frederick the Great was earnest in his efforts to protect the peasants both against the lords and against the crown officials, who often treated them tyrannically;[1] the latter were forbidden (1749), under penalty of six years' imprisonment, to strike a peasant with a staff—a mode of enforcing their orders in which they had doubtless been confirmed by the example of Frederick's father, who, though he condemned such acts in others, controlled his own high officers by personal castigation. But the prohibition failed of effect, and the corporal chastisement of the peasants continued. An edict which Frederick William had issued in 1739 against the arbitrary dispossession of tenants was habitually violated, and the denunciation of the practice had to be repeated by Frederick with heavier penalties for transgression. Yet in the time of his successor the evil still existed and required fresh legislation to check it. Frederick, in 1763, decreed the abolition of serfdom throughout Pomerania,

[1] An ordinance repeatedly issued, directing that on the royal domains, on the death of a peasant holder, his heir should be at once put in possession, was not always carried out by his officers.

but the estates of the province declared that it was impossible to comply with the will of the Monarch, and in a new edict of the following year he practically abandoned the project. His endeavours towards the liberation of the serfs were relaxed, partly from the opposition he met both from the lords and the State officials, and his partiality for the order of nobles, who, he used to say, alone had the sentiment of honour; but, it is believed, chiefly because he thought that, if the measure were carried into effect, it would seriously interfere with his military levies, for the battles of Prussia were then fought mainly by the serfs. Besides, in the state of his dominions at the time, he could not have provided the necessary compensation for the seigneurs. On the whole, Frederick effected little for the emancipation of the peasants; the legacy of its accomplishment was left to his successors.[1] Between his death and the Stein-Hardenberg legislation nothing was done for the Prussian

[1] He was able to do more in territories recently acquired. Soon after the first Partition of Poland he wrote to Voltaire :— "I have abolished slavery and reformed barbarous laws in West Prussia." And in fact he defined the services to be performed by the peasants on the royal domains in that

peasant except the change of the name "serfdom" (*Leibeigenschaft*) to "hereditary subjection" (*Erbunterthänigkeit*), and a few other unimportant provisions in the Allgemeine Landrecht (1791) of Frederick William II., which did not even abolish—only moderated—the corporal chastisement which might be inflicted by the lord in cases where he believed such correction to be required.

The next and decisive impulse to the abolition of serfdom was given by the French Revolution, and the events which followed it. The loss of German territory and the formation of the Confederation of the Rhine, however justly offensive to national feeling, were beneficial to the agricultural populations affected by these changes. French law was introduced, and so feudal rights and arbitrary claims on personal service were swept away, without compensation to the proprietors, in the territories transferred by the Peace of Lunéville. The princes within the territories of

region, and provided for contracts to be entered into between the lords and their tenants for the limitation of the burdens imposed on the latter; he also forbade the removal of a peasant from his holding without the intervention of a court of justice.

the Confederation—King Jerome among the rest—wisely provided for a system of voluntary agreements between the lords and the tenants, which, whilst abolishing personal subjection of every kind, secured for the former such dues and payments as were essentially connected with the land and were a fair equivalent for its occupation. Labour services also of a determinate nature and amount were preserved, until they should be redeemed on equitable terms. But the legislation on these subjects was hasty and somewhat loose, as was natural under the circumstances of the time; ambiguities were detected, controversy and litigation took place, and much less benefit resulted than with due foresight and deliberation might have been effected.

Frederick William III., from the beginning of his reign, was actuated by an earnest desire to abolish serfdom in Prussia, and to raise the peasant to the position of a free and independent citizen.[1] In 1799 he called on his

[1] A Prussian Minister said to the French Ambassador in August 1799:—"Le roi est démocrate à sa manière; il travaille sans relâche à réduire les privilèges de la noblesse, mais par de moyens lents; sous peu d'années il n'y aura plus de privilèges féodaux en Prusse."

officials to further as speedily as possible the remission of all compulsory services, and the granting of freeholds to the tenants, on his royal domains; and healing measures were largely carried out in the following years, in spite of many difficulties, in East and West Prussia and other provinces. But the final and conclusive impulse to a radical social renovation was given by the terrible disasters which overtook Prussia in 1806; and the high-minded men who surrounded the monarch were thus enabled to surmount the opposition of prejudice and self-interest, and to effect the legislation necessary for the reconstruction of the almost ruined realm.

The new enactments, already thoroughly prepared in the best public opinion, were elaborated by a special commission, of which Altenstein, Schön, and other distinguished statesmen were members; and Stein and Hardenberg gave to these measures the full weight of their support and influence. On the 9th of October 1807 the celebrated Emancipating Edict was signed. By this it was provided that the serfdom of those who occupied peasant holdings by hereditary tenure

should be abolished throughout the monarchy, and that their compulsory menial services should cease, but that any obligations to their lords binding them as free persons by virtue of their possession of property, or of special contracts, should remain unchanged until redeemed by mutual agreement.[1] As we have already stated, serfdom had been abolished on the royal domains in the kingdom of Prussia, properly so called, by Frederick William I. in the case of peasants holding directly from the crown; and now, on the 28th of October 1807, a Cabinet order extended this abolition to all the domains, and in the following July the domain tenants obtained full rights of property in their holdings, subject, however, to

[1] The words of the Edict are:—"Mit der Publication der gegenwärtigen Verordnung hört das bisherige Unterthänigkeits-Verhältniss derjenigen Unterthanen und ihrer Weiber und Kinder, welche ihre Bauerngüter erblich oder eigenthümlich oder erbzinsweise besitzen, wechselseitig gänzlich auf. Mit dem Martini-Tage, 1810, hört alle Gutsunterthänigkeit in unseren sämmtlichen Staaten auf. Nach dem Martini-Tage, 1810, gibt es nur freie Leute, bei denen aber, wie sich von selbst versteht, alle Verbindlichkeiten die ihnen als freien Leuten vermöge des Besitzes eines Grundstücks, oder vermöge eines besonderen Vertrags obliegen, in Kraft bleiben." It will be observed that the word "Leibeigenschaft" is not used.

the continued payment of certain dues and services.

The same edict established what may be called (though not in the modern English sense of that phrase) "free trade in land." It was a rule of law that noble estates could only be held by nobles, and that persons of the middle class (*bürgerlicher Herkunft*) could only possess them by special permission of the king; so also that peasant land could only be held by peasants, and lands belonging to civic communities only by citizens. All these rules were now abolished, whilst special provisions were made to prevent the undue consolidation of peasant holdings or their absorption into the estates of the landlords. The restriction was also removed which prevented the members of the several social classes from engaging in certain occupations, and in general forbade their passing into classes to which they did not previously belong; and every one was set at liberty to choose or change at will his calling or trade.

The provisions of the Emancipating Edict were afterwards considerably extended. By the Ordinance of the 16th of March 1811, all

dues and services from tenants on the domain lands were abolished, in consideration of definite money payments; and on the 14th of September of the same year a corresponding edict was issued, relating to peasants on the estates of landlords. This last made the peasant full owner of the land he cultivated, and relieved him of all payments in kind or money, and all labour on the property of the landlord, who was compensated by receiving a portion of the tenant's holding—one-third in the case of hereditary tenancies, and one-half in the case of a tenancy for life, or for a term of years,—and was at the same time set free from all his legal obligations of contribution towards the maintenance or assistance of the tenant. For the surrender of the fixed proportion of the holding might be substituted, with the consent of the landlord, either a yearly rent or the immediate payment of an equivalent sum of money. These enactments had the effect of establishing the system of peasant proprietorship as it now exists in Prussia.[1]

[1] A full account of these Prussian reforms, and the means by which they were brought about, will be found in the late Sir J. R. Seeley's excellent *Life of Stein*.

This Prussian legislation was of immense importance, not merely as awakening an enthusiasm of national unity and brotherhood which was fatal to the foreign domination, but also as setting an example of reform to the minor states, and especially as preventing the crusade against "French principles" which raged in Germany after the restoration of peace from leading to a retrograde policy in the matter of peasant emancipation. Prussia —even if she had been so inclined—could not retreat from the advanced position she had taken up, and it was difficult for the other German powers to set aside the precedent which had been supplied by the most influential member of the newly founded confederation.

Austria.

The first movement towards the emancipation of the Austrian serfs was taken by Maria Theresa. Besides being influenced by the general spirit of philanthropy which characterised her policy, she saw the importance of improving the material condition of the agricultural population with the view of

obtaining from them adequate contributions towards the heavy expenses of her wars. She found an obstacle to her enlightened efforts in the necessity of maintaining friendly relations with the nobles in some of her provinces, who had suffered severely from the consequences of the Thirty Years War, and who had rendered her valuable services in the early years of her reign. But she surmounted this difficulty by a connected series of well-conceived measures. She limited the criminal jurisdiction of the lords over their serfs, which was too often exercised in an arbitrary manner. Alleging financial motives, she established the principle that peasant holdings should never be absorbed into the properties of the lords. And in Bohemia, Moravia, and some of her other provinces, she empowered tenants for limited periods to apply to their lords for a change of their tenures into hereditary ownership according to a valuation fixed in a new survey, and subjected all such contracts to supervision by the official heads of the Circles she had constituted in her territories. This scheme of purchase proved successful and was largely brought into operation.

It was late in her reign that she was able to lighten effectually the burdens of personal service—called in Austria *Roboten*—incumbent on the peasants. These were often indefinite in extent, and agricultural work at some periods of the year took from the serf a large part, or even the whole, of every week. In 1771 she appointed a Commission to inquire into these grievances, and sought to redress them in two ways—by redemption through voluntary contracts, a method, however, which failed from the difficulty of bringing the parties to agreement—and more successfully by ordinances, known as *Robot-und-Urbarial Patente*, for the several provinces, determining the maximum amount of labour which the lords could exact (three days in each week), and fixing the prices at which this labour could be redeemed. The peasants in Bohemia, misconceiving the nature of these ordinances, and forming exaggerated expectations of their effect, refused to render the reserved services, and rose in insurrection which had to be suppressed by military force. The Empress, however, did not on that account desist from her enlightened measures; she proceeded to

commute all personal services on her own Bohemian domains into a moderate tax, and abolished on the estates of the nobles a number of seignorial dues which seemed to have no legitimate foundation.

Her efforts encountered determined resistance in Hungary, where the serfs had suffered, perhaps more severely than in any other country, from the tyranny of the lords. Being under obligation to the magnates for their loyal and chivalrous support in her early perils, she sought to persuade rather than to constrain them to the adoption of reforms. But they succeeded, chiefly by dishonest artifice, in defeating her intentions; and even the peasants, unaccustomed to any improvement in their position by new measures, resisted the introduction of the Urbarial Ordinance — an ignorant perversity which suggested to Maria Theresa the establishment (1770) of elementary schools in all their villages.

Her son and successor had to contend with still more obstinate opposition in the development of the same policy. He attempted in vain to abolish serfdom, substituting for it a

milder form of subjection, with fixed liabilities of payment and service, first (1781) in Bohemia, Moravia, and Silesia, and afterwards in the other provinces of his empire where it still existed. The precipitation and absence of circumspection which so often marred the benevolent enterprises of Joseph II., defeated his good intentions in this case also. He suffered, too, from the want of loyal and enlightened officials to carry his measures into effect. Thus the Magyar nobility, in particular, were successful in their resistance to his efforts, and he was forced a short time before his death in 1790 to retract all the innovations he had sought to introduce, except his Edict of Toleration and his Abolition of Serfdom; which latter, however, his brother and successor Leopold II. was forced to sacrifice, and to content himself with the maintenance of the Urbarial Ordinance. Similar opposition was offered in other parts of the empire—as in Upper and Lower Austria—to the projects of the imperial power, and in those provinces also Leopold was obliged to revoke the most important of the ordinances of Joseph, which, as serfdom proper no longer existed there, had

been directed to the relief of the peasants from the arbitrary exactions of their lords. The Josephine reforms were upheld only in Galicia and Lodomeria, recent acquisitions of the monarchy, where, in consequence of the weakness of the elective Polish sovereigns in any conflict with their nobles, the agricultural population had been exposed without protection to every excess of aristocratic tyranny.[1] Amongst these reforms were the abolition of serfdom (1782) and the restriction to definite amounts of the previously unlimited services required of the peasants. Leopold and, after

[1] King Stanislaus Leszczynski wrote thus of the condition of the peasants of Poland in the middle of the eighteenth century :—"Le peuple est dans une extrême humiliation en Pologne . . . à peine les distinguons-nous des bêtes qu'ils entretiennent pour la culture de nos terres . . . trop souvent par un trafic scandaleux nous les vendons à des maîtres aussi cruels. . . . Je ne puis sans horreur rappeller ici cette loi qui n'impose qu'une amende de quinze francs à tout gentilhomme qui aura tué un paysan. . . . La Pologne est le seul pays où la populace soit comme déchue de tous les droits de l'humanité . . . le joug terrible que nous leur avons imposé. . . . Un noble condamne son sujet à la mort, quelquefois sans cause légitime, plus souvent sans procedure et sans formalité." *La Voix libre du Citoyen*, 1753. The whole chapter entitled *Le Peuple* is well worth reading ; and the work is marked throughout by sound judgment and elevated sentiment.

him, Francis II. energetically resisted the attempts of the Polish nobles to restore the former state of things, and the latter emperor introduced parallel reforms into West Galicia, when that district fell to him in the third partition of Poland (1795).

From the end of the last century to the stormy period of 1848 there was little progress in the work of emancipation in Austria. Already, indeed, the agricultural tenants were personally free, and in some districts were owners of the soil. But they were still in most parts of the empire more or less subject to arbitrary impositions. The peasants in Bohemia, Moravia, and Galicia were forbidden to become proprietors of land. In Hungary and Transylvania the lords in the capacity of judges sentenced them to corporal punishment, which seigneurs, as such, could no longer lawfully inflict. Nor could the dues and services incumbent on them be legally redeemed, even if the lord were willing and the tenant had the means. The movable property of the peasant in the latter provinces passed only to his children; failing these, he could bequeath no more than two-thirds of it,

and if, having no offspring, he died without a will, the whole became the lord's.

The dues of labour had been fixed by Joseph II., but, even where the law was observed, were unreasonably high, two or three days of the week being spent in working on the lord's estate. Some of the more enlightened members of the aristocracy strongly urged the redemption of these services, but found few to support the proposal. The revolutionary movement of 1848 at last compelled the settlement of the question. A law passed in the Reichstag at Vienna on the 7th of September in that year abolished the hereditary subjection of the agricultural population and the fetters which bound the land of the country. And this legislation was not disturbed after the failure of the Revolution, notwithstanding the reactionary spirit which then prevailed. These reforms, together with the abolition of patrimonial jurisdictions, were effected also in Hungary and Transylvania and the neighbouring territories, where, as in Austria proper, the land became the property of those who tilled it. But years elapsed before the compensation to the former owners

was finally adjusted; in some of the territories the necessary funds being provided out of the taxes, and in others a compulsory redemption being carried out on terms fixed by public commissioners. The transformation, however, though slowly effected, was successfully completed and with as little inconvenience as possible to the parties concerned.

Minor German States.

The utmost variety prevailed in the several minor states with respect to the rate of progress towards the abolition of serfdom, as well as the liberality of the measures taken for the purpose. Of those princes who in these smaller states, before the outbreak of the French Revolution, had sought to improve the position of the tillers of the soil, may be named Carl Friedrich of Baden, the well-known physiocrat; in whose dominions, however, they had long been under a specially mild form of subjection, their worst burdens having in course of time tacitly become obsolete. In the states which were for a time incorporated with France, the emancipation of the peasants

and of the soil was, as we have seen, complete; in most of those which entered into the Confederation of the Rhine, it was only partially effected. In several states a conflict of interests between the central power and the aristocracy proved advantageous to the peasant, as in Bavaria, Würtemberg, and Baden.

The greatest obstruction was offered in Hanover, Electoral Hesse, and Mecklenburg. In the last-named state the condition of the peasantry had long been especially wretched. That region had suffered severely from the Thirty Years War, and still more from the aristocratic tyranny which followed it. So late as 1802, Stein denounced the conduct of the lords of the soil towards their tenants in language which reminds us of some of Arthur Young's outbursts against the harsh or negligent nobles of France.[1] And even

[1] "Great fields, of which a considerable part lies in pasture and fallow; extremely few people, the whole labouring class under the pressure of serfdom, the fields attached to single farms seldom well cultivated—in one word, a uniformity, a deadly stillness, a want of life and activity diffused over the whole, which oppressed and soured me much. The abode of the Mecklenburg nobleman, who arbitrarily

after the abolition of serfdom in 1820 the condition of the rural population of the state was deplorable, and so continued till the middle of the century. In Hanover, Electoral Hesse, and the kingdom of Saxony, a strong impulse towards the abolition of such remains of personal serfdom, or *Erbunterthänigkeit*, as still existed in those territories was given by the French Revolution of 1830. The principal result of the popular movements in 1848 was to accelerate the completion of any too-long-delayed financial schemes for carrying into practical effect the redemption of burdens which were already condemned in principle.

displaces his peasants instead of improving their condition, strikes me as the lair of a wild beast who desolates everything round him, and surrounds himself with the silence of the grave." In this translation of Stein's comments, which is taken from Seeley's *Life of Stein*, the words "arbitrarily displaces," have been substituted for "keeps down," the former being the meaning of the verb "legen" (used in the original) in its technical application to the action of a landlord towards his tenant.

CHAPTER VI

THE AFRICAN SLAVE-TRADE AND NEGRO SLAVERY

THUS, whether by direct legislation, or in the way of gradual desuetude, every form of servitude disappeared from the social order of all the states of Western Europe, whilst at the same time was bequeathed to subsequent generations the inexorable problem, still awaiting solution, of the definitive position of the classes whose origin is traceable to that condition.

But, not very long after serfdom had begun to disappear in the most advanced communities, comes into sight the new system of colonial slavery, which, instead of being the spontaneous outgrowth of social necessities and subserving a temporary need of human development, was politically as well as morally a monstrous aberration, and never produced anything but evil.

In 1442, when the Portuguese under Prince Henry the Navigator were exploring the Atlantic coast of Africa, one of his officers, Antam Gonsalves, who had captured some Moors, was directed by the prince to carry them back to Africa. He received from the Moors in exchange for them ten blacks and a quantity of gold dust. This excited the cupidity of his fellow-countrymen; and they fitted out a large number of ships for the trade, and built several forts on the African coast. Many negroes were brought into Spain from these Portuguese settlements, and the colonial slave-trade first appears in the form of the introduction into the newly-discovered western world of children or descendants of these negroes. When Ovando was sent out in 1502 as governor of Hispaniola, whilst regulations, destined to prove illusory, were made for the protection of the natives of the island, permission was given to carry to the colony negro slaves, born in Seville and other parts of Spain, who had been instructed in the Christian faith. It appears from a letter of Ovando in 1503 that there were at that time many negroes in Hispaniola;

he requested that no more might be permitted to be brought out. In 1510 and the following years King Ferdinand ordered a number of Africans to be sent to that colony for the working of the mines.

Before this time Columbus had proposed an exchange of his Carib prisoners as slaves against live stock to be furnished to Hispaniola by Spanish merchants. Infidels, he represented, would thus be converted, the royal treasury enriched by a duty on the slaves, and the colonists supplied with live stock free of expense. He actually sent home in the ships of Antonio Torres, in 1494, above 500 Indian prisoners taken in wars with the caciques, who, he suggested, might be sold as slaves at Seville. But, after a royal order had been issued for their sale, Queen Isabella, interested by what she had heard of the gentle and hospitable character of the natives and of their docility, procured a letter to be written to Bishop Fonseca, the superintendent of Indian affairs, suspending the order until inquiry should be made into the causes for which they had been made prisoners, and into the lawfulness of their sale. Theologians

differed on the latter question, and Isabella directed that these Indians should be sent back to their native country, and that a policy of conciliation should be followed there instead of one of severity. After making every allowance for the difficulty which even superior natures find in rising above the prejudices of their times, this proceeding must remain a blot on the illustrious name of the discoverer of America.

Bartolomé de las Casas, the celebrated bishop of Chiapa, accompanied Ovando to Hispaniola, and was a witness of the cruelties from which the Indians suffered under his administration. He came to Spain in 1517 to obtain measures in their favour, and he then made the suggestion to Charles that each Spanish resident in Hispaniola should have license to import a dozen negro slaves. Las Casas, in his *Historia de las Indias* (lib. iii. cap. 101), frankly confesses the grave error into which he thus fell. "This advice that license should be given to bring negro slaves to these lands the clerigo Casas first gave, not considering the injustice with which the Portuguese take them and make them slaves;

which advice, after he had apprehended the nature of the thing, he would not have given for all he had in the world. For he always held that they were made slaves unjustly and tyrannically; for the same reason holds good of them as of the Indians." Other good men appear to have given advice similar to his about the same time, and, as has been shown, the practice was not absolutely new; indeed the young king had in 1516, whilst still in Flanders, granted licenses to his courtiers for the importation of negroes into the colonies, though Ximenes, as regent of Castile, by a decree of the same year, forbade the practice. The suggestion of Las Casas was no doubt made on the ground that the negroes could, better than the Indians, bear the labour in the mines, which was rapidly exhausting the numbers of the latter.[1] He has sometimes on this plea been exonerated from all censure; but, as we have seen, he did not exculpate himself; and, though entitled to honour for

[1] The Spaniards in the space of fifteen years subsequent to the discovery of the West Indies, had, as Robertson mentions, reduced the natives of Hispaniola from a million to 60,000.

the zeal and perseverance which he showed on behalf of the natives of the New World, he must in justice bear the blame due from posterity for his violation or neglect of moral principles. His advice was unfortunately adopted. "Charles," says Robertson,[1] "granted a patent to one of his Flemish favourites, containing an exclusive right" of supplying 4000 negroes annually to Hispaniola, Cuba, Jamaica, and Porto Rico. "The favourite sold his patent to some Genoese merchants for 25,000 ducats"; these merchants obtained the slaves from the Portuguese; and thus was first brought into a systematic form that odious "commerce between Africa and America, which has since been carried on to such an amazing extent," the action of the Spaniards being "imitated by all the nations of Europe who have acquired territories in the warmer climates of the New World."

The first Englishman who engaged in the hateful traffic was Captain John Hawkins, afterwards appointed treasurer of the navy, and honoured with knighthood. He was one

[1] *History of America*, bk. iii., and *Historical Disquisition concerning Ancient India*, sect. iv. 6.

of those brave, energetic, narrowly patriotic, but unscrupulous and cruel men, whose type is so common, in England as elsewhere, in the time of Elizabeth. "Being informed," as Hakluyt says, "that negroes are very good merchandise in Hispaniola, and that store of negroes might easily be had upon the coast of Guinea, he resolved within himself to make trial thereof." In 1562 he sailed for Sierra Leone, "where he stayed some time, and got into his possession, partly by the sword, and partly by other means, to the number of three hundred negroes at least, besides other merchandises which that country yieldeth," and of these he disposed advantageously at Hispaniola. In the following year he again set out, under the patronage and aided by the subscriptions of Lord Robert Dudley (afterwards Earl of Leicester), the Earl of Pembroke, and others, with five vessels, which were joined by three more under a different command. Whilst acting in these proceedings, to use the words of Bryan Edwards, the part of "a robber and a murderer," he drew up for the guidance of his men certain rules of conduct, the first two of which were "Serve God daily," and

"Love one another." He sailed to Cape Verd, and, finding the natives to be "of a nature very gentle and loving," and "more civil than any others by reason of their daily traffic with the Frenchmen," he prepared to kidnap a number of them, but failed to effect his object. He then proceeded south as far as Rio Grande, and "went every day on shore, burning and spoiling their towns," and carrying off many of the natives. These he landed in the Spanish American settlements, where he compelled the colonists by armed force to purchase them at his own price. The perpetrator of these deeds was received with much favour by the people and the court (though Elizabeth's conscience is said to have at first revolted against his proceedings). He obtained for himself and his posterity a coat of arms and crest, in which was "a demi-Moor in his proper colour, bound and captive," as "a token of the iniquitous trade which he had made popular in England."

The English slave-traders were at first altogether occupied in supplying the Spanish settlements. Indeed the reign of Elizabeth passed without any English colony having

been permanently established in America. But James I. in 1606 granted charters to two companies, which, after many vicissitudes, succeeded in founding on lasting bases the settlements of Virginia and New England. The former of these engaged largely in the culture of tobacco, and a Dutch ship from the coast of Guinea having visited its capital, James-Town, in 1620, sold a part of her cargo of negroes to the tobacco-planters. This was the first beginning of slavery in British America; the number of negroes was afterwards continually increased—though apparently at first slowly—by importation, and the field-labour was more and more performed by servile hands, so that in 1790 the state of Virginia, which is only a small part of the original colony so named, contained 200,000 negroes.

The African trade of England was long in the hands of exclusive companies; but by an Act of the first year of William and Mary it became free and open to all subjects of the crown. The African Company, however, continued to exist, and obtained from time to time large parliamentary grants. By the treaty of

Utrecht the asiento,[1] or contract for supplying the Spanish colonies with 4800 negroes annually, which had previously passed from the Dutch to the French, was transferred to Great Britain; an English company was to enjoy the monopoly for a period of thirty years from the 1st of May 1713. But the contract came to an end in 1739, when the complaints of the English merchants on one side and of the Spanish officials on the other rose to such a height that Philip V. declared his determination to revoke the asiento, and Sir Robert Walpole was forced by popular feeling into war with Spain. Between 1680 and 1700 about 140,000 negroes were exported by the African Company, and 160,000 more by private adventurers, making a total of 300,000. Between 1700 and the end of 1786 as many as 610,000 were transported to Jamaica alone, which had been an

[1] The Spaniards were prevented from forming establishments on the African coast by the Bull of Demarcation ("Inter cætera") of Pope Alexander VI. (1493), which forbade their acquiring territory to the east of the meridian line of 100 miles west of the Azores. They could therefore supply their American possessions with slaves only by the agency of other powers, with which they entered into contracts for this purpose.

English possession since 1655. Bryan Edwards[1] estimated the total import into all the British colonies of America and the West Indies from 1680 to 1786 at 2,130,000, being an annual average of 20,095. But this, he admits, is much less than was in his time commonly supposed. The British slave-trade reached its utmost extension shortly before the War of American Independence. It was then carried on principally from Liverpool, but also from London, Bristol, and Lancaster; the entire number of slave-ships sailing from those ports was 192, and in them space was provided for the transport of 47,146 negroes. During the war the number decreased, but on its termination the trade immediately revived.

When Edwards wrote (1791), the number of European factories on the coasts of Africa was 40; of these 14 were English, 3 French, 15 Dutch, 4 Portuguese, and 4 Danish. As correct a notion as can be obtained of the numbers annually exported from the continent about the year 1790 by traders of the several European countries engaged in the traffic, is supplied by the following statement:—"By

[1] *History of the West Indies*, book iv. chap. 2.

the British, 38,000; by the French, 20,000; by the Dutch, 4000; by the Danes, 2000; by the Portuguese, 10,000: total 74,000." Thus more than half the trade was in British hands. "At present," said Robertson, also writing in 1791, "the number of negro slaves in the settlements of Great Britain and France in the West Indies exceeds a million; and, as the establishment of servitude has been found, both in ancient and modern times, extremely unfavourable to population, it requires an annual importation of at least 58,000 to keep up the stock." The slaves in the Spanish dominions and in North America, he thought, probably amounted to an additional million.[1]

The hunting and stealing of human beings to make them slaves, which had been already practised in Africa for the supply of the central states of that continent, as well as of the markets of northern Africa, Turkey, and other Mohammedan countries, were greatly aggravated by the demand of the European colonies. The native chiefs engaged in forays, sometimes even on their own subjects, for the purpose of procuring slaves to be exchanged for Western

[1] *Ancient India*, sect. iv. 6.

commodities. They often set fire to a village by night and captured the inhabitants when trying to escape. Thus all that was shocking in the barbarism of Africa was multiplied and intensified by this foreign stimulation. To the miseries thus produced, and to those suffered by the captives in their removal to the coast (of which more will be said hereafter), were added the horrors of the middle passage. So much wretchedness, it has been said, was never condensed in so little room as in the slave-ships. The negroes, to use the words of Sir Wm. Dolben, "were chained to each other hand and foot, and stowed so close that they were not allowed above a foot and a half for each in breadth. Thus crammed together like herrings in a barrel, they contracted putrid and fatal disorders; so that they who came to inspect them in a morning had occasionally to pick dead slaves out of their rows, and to unchain their carcases from the bodies of their wretched fellow-sufferers to whom they had been fastened." Numbers of the sailors employed in the traffic perished from the contagion thus created. Owing to this cause, and to the brutal character of the captains of

slave-ships, more seamen died in that trade in one year than in the whole remaining trade of England in two. Exclusively of the slaves who died before they sailed from Africa, $12\frac{1}{2}$ per cent were lost during their passage to the West Indies; at Jamaica $4\frac{1}{2}$ per cent died whilst in the harbours or before the sale, and one-third more in the "seasoning." Thus, out of every lot of 100 shipped from Africa 17 died in about 9 weeks, and not more than 50 lived to be effective labourers in the islands. The circumstances of their subsequent life on the plantations were not favourable to the increase of their numbers. In Jamaica there were, in 1690, 40,000; from that year till 1820 there were imported 800,000; yet at the latter date there were only 340,000 in the island. One cause which prevented the natural increase of population was the inequality in the numbers of the sexes; in Jamaica alone there was in 1789 an excess of 30,000 males.

CHAPTER VII

ABOLITION OF THE COLONIAL SLAVE-TRADE

Great Britain.

It may be truly said that from the latter part of the seventeenth century, when the nature of the slave-trade began to be understood by the public, all that was best in England was adverse to it. Among those who denounced it—besides some whose names are now little known, but are recorded with the honour they deserve in the pages of Clarkson—were Baxter, Sir Richard Steele (in *Inkle and Yarico*), the poets Southerne (in *Oroonoko*), Pope, Thomson, Shenstone, Dyer, Savage, and above all Cowper (see his *Charity*, and *Task*, bk. 2), Thomas Day (author of *Sandford and Merton*), Sterne, Warburton, Hutcheson, Beattie, John Wesley, Whitfield, Adam Smith, Millar, Robertson, Dr. Johnson, Mrs. Barbauld, Paley, Gregory, Gilbert Wakefield, Bishop Porteus, Dean Tucker.

The question of the legal existence of slavery in Great Britain and Ireland was raised in consequence of an opinion given in 1729 by York and Talbot, attorney and solicitor-general at the time, to the effect that a slave by coming into these countries from the West Indies did not become free, and might be compelled by his master to return to the plantations. Chief-Justice Holt had expressed a contrary opinion; and the matter was brought to a final issue by Mr. Granville Sharp in the case of the negro Somerset. It was decided by Lord Mansfield, in the name of the whole bench, on June 22nd, 1772, that as soon as a slave set his foot on the soil of the British Islands he became free. In 1776 it was moved in the House of Commons by David Hartley, son of the author of *Observations on Man*, that "the slave-trade was contrary to the laws of God and the rights of men"; but this motion—the first which was made on the subject—failed; public opinion on the question was far from being yet fully ripe.

The first persons in England who took united practical action against the trade

were the Quakers, inspired by the humane sentiments which had been expressed so early as 1671 by their founder George Fox.[1] In 1727 they declared it to be "not a commendable or allowed" practice; in 1761 they excluded from their Society all who should be found concerned in it, and issued appeals to their members and the public against the system. In 1783 there was formed amongst them an association "for the relief and liberation of the negro slaves in the West Indies, and for the discouragement of the slave-trade on the coast of Africa." This was the first society established in England for the purpose. The Quakers in America had taken action on the subject still earlier than those in England. The Pennsylvanian Quakers ad-

[1] "Respecting the Negroes, I desired them [the 'Friends' in Barbadoes] to endeavour to train them up in the fear of God, as well those that were bought with their money as those that were born in their families. . . . I desired also that they would cause their overseers to deal mildly and gently with their Negroes, and not use cruelty toward them, as the manner of some hath been and is, and *that after certain years of servitude they should set them free.*" (Bickley's *Life of George Fox.*) This passage indicates Fox's dislike not merely for the trade, but for the whole institution of slavery.

vised their members against the trade in 1696; in 1754 they issued to their brethren a strong dissuasive against encouraging it in any manner; in 1774 all persons concerned in the traffic, and in 1776 all slaveholders who would not emancipate their slaves, were excluded from membership. The Quakers in the other American provinces followed the lead of their brethren in Pennsylvania. The persons amongst the American Quakers who laboured most earnestly and indefatigably on behalf of the Africans were John Woolman (1720-1773) and Anthony Benezet (1713-1784), the latter a son of a French Huguenot driven from France by the revocation of the Edict of Nantes. The former confined his efforts chiefly to America and indeed to his co-religionists there; the latter sought, and not without a large measure of success, to found a universal propaganda in favour of abolition. A Pennsylvanian society was formed in 1774 by James Pemberton and Dr. Benjamin Rush, and in 1787 (after the war) was reconstructed on an enlarged basis under the presidency of Benjamin Franklin. Other similar associa-

tions were founded about the same time in different parts of the United States.

The next important movement took place in England. Dr. Peckard, vice-chancellor of the university of Cambridge, who entertained strong convictions against the slave-trade, proposed in 1785 as subject for a Latin prize dissertation the question, "An liceat invitos in servitutem dare." Thomas Clarkson resolved to compete for the prize. Reading Anthony Benezet's *Historical Account of Guinea* and other works in the course of his study of the subject, he became so powerfully impressed with a sense of the vile and atrocious nature of the traffic that he ere long determined to devote his life to the work of its abolition, a resolution which he nobly kept. His essay, which obtained the first prize, was translated into English in an expanded form by its author, and published in 1786 with the title *Essay on the Slavery and Commerce of the Human Species.* In the process of its publication he was brought into contact with several persons already deeply interested in the question; amongst these were Granville

Sharp, William Dillwyn (an American by birth, who had known Benezet), and the Rev. James Ramsay, who had lived nineteen years in St. Christopher, and had published an *Essay on the Treatment and Conversion of the African Slaves in the British Sugar Colonies.* The distribution of Clarkson's book led to his forming connections with many persons of influence, and especially with William Wilberforce, who, having already occupied himself with the subject, went fully into the evidence bearing on it which Clarkson laid before him, and, as the result of his inquiries, undertook the parliamentary conduct of the movement which was now decisively inaugurated.[1] A committee was formed on the 22nd of May 1787 for the abolition of the slave-trade, under the presidency of Granville Sharp, which, after twenty years of labour, succeeded, with the help of eminent public men, in effecting the object of its foundation, and thus removing

[1] Pitt urged Wilberforce to undertake the conduct of the matter. After a conversation between the two friends under an old tree at Holwood, apparently in 1787, Wilberforce resolved to give notice on the subject in the House of Commons. *Life of Wilberforce*, 1. p. 151.

a great blot on the character of the British nation, and mitigating one of the greatest evils that ever afflicted humanity. It is unquestionable that the principal motive power which originated and sustained their efforts was Christian principle and feeling. The most earnest and unremitting exertions were made by the persons so associated in investigating facts and collecting evidence, in forming branch committees and procuring petitions, in the instruction of the public and in the information and support of those who pleaded the cause in Parliament. To the original members were afterwards added several remarkable persons, amongst whom were Josiah Wedgwood, Bennet Langton (Dr. Johnson's friend), and later, Zachary Macaulay, Henry Brougham, and James Stephen.

In consequence of the numerous petitions presented to Parliament, a committee of Privy Council was appointed by the Crown in 1788 to inquire concerning the slave-trade ; and Mr. Pitt moved that the House of Commons should early in the next session take the subject into consideration. Wilberforce's first motion for

a committee of the whole House upon the question was made on the 19th of March 1789, and this committee proceeded to business on the 12th of May of the same year. After an admirable speech, Wilberforce laid on the table twelve resolutions which were intended as the basis of a future motion for the abolition of the trade. The discussion of these was postponed to the next session, and in 1790-91 evidence was taken upon them. At length, on the 18th of April of the latter year, a motion was made for the introduction of a bill to prevent the further importation of slaves into the British colonies in the West Indies. Opinion had been prejudiced by the insurrections in St. Domingo and Martinique, and in the British island of Dominica; and the motion was defeated by 163 votes against 88. Legislative sanction was, however, given to the establishment of the Sierra Leone Company for the colonisation of a district on the west coast of Africa and the discouragement of the slave-trade there. It was hoped at the time that that place would become the centre from which the civilisation of Africa would proceed; but this expectation was not fulfilled. On the 2nd

of April 1792 Wilberforce again moved that the trade ought to be abolished; an amendment in favour of gradual abolition was carried, and it was finally resolved that the trade should cease on the 1st of January 1796. When a similar motion was brought forward in the Lords the consideration of it was postponed to the following year, in order to give time for the examination of witnesses by a committee of the House. A bill in the Commons in the following year to abolish that part of the trade by which British merchants supplied foreign settlements with slaves was lost on the third reading; it was renewed in the Commons in 1794 and carried there, but defeated in the Lords.

Then followed several years during which efforts were made by the abolitionists in Parliament with little success. But in 1806, Lord Grenville and Fox having come into power, a bill was passed in both Houses to put an end to the British slave-trade for foreign supply, and to forbid the importation of slaves into the colonies won by the British arms in the course of the war. On the 10th of June of the same year Fox brought forward a resolu-

tion "that effectual measures should be taken for the abolition of the African slave-trade in such a manner and at such a period as should be deemed advisable," which was carried by a large majority. A similar resolution was successful in the House of Lords. A bill was then passed through both Houses forbidding the employment of any new vessel in the trade. Finally, in 1807, a bill was presented by Lord Grenville in the House of Lords providing for the abolition of the trade, was passed by a large majority, was then sent to the Commons (where it was moved by Lord Howick), was there amended and passed, and received the royal assent on the 25th of March. The bill enacted that no vessel should clear out for slaves from any port within the British dominions after the 1st of May 1807, and that no slave should be landed in the colonies after the 1st of March 1808.

In 1807 the African Institution was formed, with the primary objects of keeping a vigilant watch on the slave-traders and procuring, if possible, the abolition of the slave-trade by the other European nations. It was also to be made an instrument for promoting the instruc-

tion of the negro races and diffusing information respecting the agricultural and commercial capabilities of the African continent.

The Act of 1807 was habitually violated, as the traders knew that, if one voyage in three was successful, they were abundantly remunerated for their losses, so that the enormous profits of the traffic afforded an insurance against the consequences of capture. This state of things, it was plain, must continue as long as the trade was only a contraband commerce, involving merely pecuniary penalties. Accordingly, in 1811, Brougham carried through Parliament a bill declaring the traffic to be a felony punishable with transportation. Some years later another Act was passed making it a capital offence, but this was afterwards repealed. The law of 1811 proved effectual, and brought the slave-trade to an end so far as the British dominions were concerned. Mauritius, indeed, continued it for a time. That island, which had been ceded by France in 1810, three years after the abolition, had special facilities for escaping observation in consequence of the proximity of the African coast; but it was soon obliged to conform.

France.

The abolition of the French slave-trade was preceded by stormy struggles and by many deplorable excesses. The western part of St. Domingo, nominally belonging to Spain, had been occupied by buccaneers, who were recognised and supported by the French Government, and had been ceded to France at the peace of Ryswick in 1697. So vast was the annual importation of enslaved negroes into this colony before 1791 that the ratio of the blacks to the whites was as 16 to 1. In that year there were in French St. Domingo 480,000 blacks, 240,000 mulattoes, and only 30,000 whites. The French law for the regulation of slavery in the plantations, known as the *Code Noir* (framed under Louis XIV. in 1685), was humane in its spirit; but we are informed that its provisions were habitually disregarded by the planters, whilst the free mulattoes laboured under serious grievances, and were exposed to irritating indignities. A "Société des Amis des Noirs" was formed in Paris in 1788 for the abolition, not only of the slave-trade, but of slavery itself. The

president was Condorcet,[1] and amongst the members were the Duc de la Rochefoucault, the Abbé Gregoire, Brissot, Clavière, Petion, and Lafayette; Mirabeau was an active sympathiser. The great motor of the parallel effort in England was the Christian spirit; in France it was the enthusiasm of humanity which was associated with the revolutionary movement.

There were in 1789 a number of mulattoes in Paris, who had come from St. Domingo to assert the rights of the people of colour in that colony before the national assembly. The Declaration of the Rights of Man in August 1789 seemed to meet their claims, but in March 1790 the assembly, alarmed by rumours of the discontent and disaffection of the planters in St. Domingo, passed a resolution that it had not been intended to comprehend the internal government of the colonies in the constitution framed for the mother country, and added that the assembly would not cause any innovation to be made, directly or indi-

[1] Condorcet was author of *Réflexions sur l'Esclavage des Négres*, published under the pseudonym of "M. Schwartz, Pasteur du Saint Évangile à Bienne."

rectly, in any system of commerce in which the colonies were already concerned,—a declaration which could only be interpreted as sanctioning the continuance of the slave-trade. Vincent Ogé, one of the mulatto delegates in Paris, disgusted at the overthrow of the hopes of his race, returned to St. Domingo, and on landing in October 1790 addressed a letter to the governor announcing his intention of taking up arms on behalf of the mulattoes if their wrongs were not redressed. He rose accordingly with a few followers, but was soon defeated and forced to take refuge in the Spanish part of the island. He was afterwards surrendered, tried, and sentenced to be broken on the wheel. When the news of this reached Paris, it created a strong feeling against the planters; and on the motion of the Abbé Gregoire it was resolved by the assembly on the 15th of May 1791 "that the people of colour resident in the French colonies, born of free parents, were entitled to, as of right, and should be allowed, the enjoyment of all the privileges of French citizens, and among others those of being eligible to seats both in the parochial and colonial assemblies." On

the 23rd of August a rebellion of the negroes broke out in the northern province of St. Domingo, and soon extended to the western province, where the mulattoes and blacks combined. Many enormities were committed by the insurgents, and were avenged with scarcely inferior barbarity. The French assembly, alarmed by these scenes, and fearing the loss of the colony, repealed on the 24th of September the decree of the preceding May. This lamentable vacillation put an end to all hope of a reconciliation of parties in the island. Civil commissioners sent out from France quarrelled with the governor and called the revolted negroes to their assistance. The white inhabitants of Cape François were massacred, and the city in great part destroyed by fire. The planters now offered their allegiance to Great Britain; and an English force landed in the colony. But it was insufficient to encounter the hostility of the republican troops and the revolted negroes and mulattoes; it suffered dreadfully from disease, and was obliged to evacuate the island in 1798.

On the departure of the British the government remained in the hands of Toussaint

l'Ouverture, the noblest type ever produced by the African race. Slavery had disappeared; the blacks were employed as hired servants, receiving for their remuneration the third part of the crops they raised; and the population was rapidly rising in civilisation and comfort. The whole island was now French, the Spanish portion having been ceded by the treaty of Basel. The wish of Toussaint was that St. Domingo should enjoy a practical independence whilst recognising the sovereignty and exclusive commercial rights of France. Of the violent and treacherous conduct of Bonaparte towards the island and its eminent chief we cannot here give an account;[1] the final issue was that the blacks drove from their soil the forces sent to subdue them, and founded a constitution of their own, which was more than once modified. There can be no doubt that the Government of the Restoration, in seeking to obtain possession of the island, had the intention of re-establishing slavery, and even of reopening the slave-trade for the purpose of recruiting the diminished population. But

[1] The reader will remember Wordsworth's noble sonnet—
"Toussaint, the most unhappy man of men!"

Bonaparte abolished that trade during the Hundred Days, though he also failed to win back the people of St. Domingo, or, as it was now called by its original name, Hayti, to obedience. The Bourbons, when again restored, could not reintroduce the slave-trade; the notion of conquering the island had to be given up; and its independence was formally recognised in 1825. Thus France lost her most important colonial possession, which had yielded produce to an amount almost as great as that of all the rest of the West Indies; and the negro race obtained its first and hitherto its only independent settlement outside the African continent.

Other Countries.

England had not been the first European power to abolish the slave-trade; that honour belongs to Denmark; a royal order was issued on the 16th of May 1792 that the traffic should cease in the Danish possessions from the end of 1802. The United States had in 1794 forbidden any participation by American subjects in the slave-trade to foreign countries;

they now prohibited the importation of slaves from Africa into their own dominion. This Act was passed on the 2nd of March 1807; it did not, however, come into force until the 1st of January 1808. At the congress of Vienna (opened 1st November 1814) the principle was acknowledged that the slave-trade should be abolished as soon as possible; but the determination of the limit of time was reserved for separate negotiation between the powers. It had been provided in a treaty between France and Great Britain, May 30, 1814, that no foreigner should in future introduce slaves into the French colonies, and that the trade should be absolutely interdicted to the French themselves after June 1, 1819. This postponement of abolition was dictated by the wish to introduce a fresh stock of slaves into Hayti, if that island should be recovered. Bonaparte, as we have seen, abolished the French slave-trade during his brief restoration, and this abolition was confirmed at the second peace of Paris, November 20, 1815, but it was not effectually carried out by French legislation until March 1818. In January 1815, Portuguese subjects were prohibited from prosecut-

ing the trade north of the equator, and the term after which the traffic should be everywhere unlawful was fixed to end on the 21st of January 1823, but was afterwards extended to February 1830; England paid £300,000 as a compensation to the Portuguese. A royal decree was issued on the 10th of December 1836, forbidding the export of slaves from any Portuguese possession. But this decree was often violated. It was agreed that the Spanish slave-trade should come to an end in 1820, England paying to Spain an indemnification of £400,000. The Dutch trade was closed in 1814; the Swedish had been abolished in 1813. By the peace of Ghent, December 1814, the United States and England mutually bound themselves to do all in their power to extinguish the traffic. It was prohibited in several of the South American States immediately on their acquiring independence, as in La Plata, Venezuela, and Chili. In 1831 and 1833 Great Britain entered into an arrangement with France for a mutual right of search within certain seas, to which most of the other powers acceded; and by the Ashburton treaty (1842) with the United States, provision was made

for the joint maintenance of squadrons on the west coast of Africa. By all these measures the slave-trade, so far as it had been carried on under the flags of Western nations or for the supply of their colonies, ceased to have a legal existence.

CHAPTER VIII

ABOLITION OF NEGRO SLAVERY

Great Britain.

Meantime another and more radical reform had been in preparation and was already in progress, namely, the abolition of slavery itself in the foreign possessions of the several states of Europe. When the English slave-trade had been closed, it was found that the evils of the traffic, as still continued by several other nations, were greatly aggravated. In consequence of the activity of the British cruisers the traders made great efforts to carry as many slaves as possible in every voyage, and practised atrocities to get rid of the slaves when capture was imminent. It was, besides, the interest of the cruisers, who shared the price of the captured slave-ship, rather to allow the slaves to be taken on board than to prevent their being shipped at all. Thrice as

great a number of negroes as before, it was said, was exported from Africa, and two-thirds of these perished on the high seas. It was found also that the abolition of the British slave-trade did not lead to an improved treatment of the negroes in the West Indies. The agents who cultivated those islands had different interests from their employers, who were commonly absentees; and even the latter too often, in their haste to be rich, or under the pressure of distressed circumstances, forgot the lessons of humanity in the thirst for immediate gain. The slaves were overworked now that fresh supplies were stopped, and their numbers rapidly decreased. In 1807 there were in the West Indies 800,000; in 1830 they were reduced to 700,000. It became more and more evident that the root of the evil could be reached only by abolishing slavery altogether. At the same time, by the discussions which had for years gone on throughout English society on the subject of the slave-trade, men's consciences had been awakened to question the lawfulness of the whole system of things out of which that trade had taken its rise.

An appeal was made by Wilberforce in 1821 to Thomas Fowell Buxton to undertake the conduct of this new question in Parliament. An anti-slavery society was established in 1823, the principal members of which, besides Wilberforce and Buxton, were Zachary Macaulay, Dr. Lushington, and Lord Suffield. Buxton moved on the 5th of May of the same year that the House should take into consideration the state of slavery in the British colonies. The object he and his associates had then in view was gradual abolition by establishing something like a system of serfdom for existing slaves, and passing at the same time a measure emancipating all their children born after a certain day. Canning carried against Buxton and his friends a motion to the effect that the desired ameliorations in the condition and treatment of the slaves should be recommended by the home Government to the colonial legislatures, and enforced only in case of their resistance, direct action being taken in the single instance of Trinidad, which, being a crown colony, had no legislature of its own. A well-conceived series of measures of reform was

accordingly proposed to the colonial authorities. Thereupon a general outcry was raised by the planters at the acquiescence of the Government in the principles of the anti-slavery party. A vain attempt being made in Demerara to conceal from the knowledge of the slaves the arrival of the order in council, they became impressed with the idea that they had been set free, and accordingly refused to work, and, compulsion being resorted to, offered resistance. Martial law was proclaimed; the disturbances were repressed with great severity; and the treatment of the missionary Smith, which was taken up and handled with great ability by Brougham, awakened strong feeling in England against the planters.

The question, however, made little progress in Parliament for some years, though Buxton, William Smith, Lushington, Brougham, Mackintosh, Butterworth, and Denman, with the aid of Z. Macaulay, James Stephen, and others, continued the struggle, only suspending it during a period allowed to the local legislatures for carrying into effect the measures expected from them. In 1828 the

free people of colour in the colonies were placed on a footing of legal equality with their fellow-citizens. In 1830 the public began to be aroused to a serious prosecution of the main issue. It was becoming plain that the planters would take no steps tending to the future liberation of the slaves, and the leaders of the movement determined to urge the entire abolition of slavery at the earliest practicable period. The Government continued to hesitate, and to press for mitigations of the existing system. At length in 1833 the ministry of Earl Grey took the question in hand and carried the abolition with little difficulty, the measure passing the House of Commons on the 7th of August 1833, and receiving the Royal assent on the 28th of the same month. A sum of 20 millions sterling was voted as compensation to the planters. A system of apprenticeship for seven years was established as a transitional preparation for liberty. The slaves were bound to work for their masters during this period for three-fourths of the day, and were to be liable to corporal punishment if they did not give the due amount of labour. The master was, in

return, to supply them with food and clothing. All children under six years of age were to be at once free, and provision was to be made for their religious and moral instruction. Many thought the postponement of emancipation unwise. Immediate liberation was carried out in Antigua, and public tranquillity was so far from being disturbed there that the Christmas of 1833 was the first for twenty years during which martial law was not proclaimed in order to preserve the peace. Notwithstanding protracted and strenuous opposition on the part of the Government, the House of Commons passed a resolution against the continuance of the transitional system. When this was done, the local legislatures saw that the slaves would no longer work for the masters; they accordingly cut off two years of the indentured apprenticeship, and gave freedom to the slaves in August 1838 instead of 1840.

Other Countries.

The example of Great Britain was gradually followed by the other European states,

and some American ones had already taken action of the same kind. The immediate emancipation of the slaves in the French colonies was decreed by the Provincial Government of 1848. In 1858 it was enacted that every slave belonging to a Portuguese subject should be free in twenty years from that date, a system of tutelage being established in the meantime. This law came into operation on the 29th of April 1878, and the status of slavery was thenceforth illegal throughout the Portuguese possessions. The Dutch emancipated their slaves in 1863. Several of the Spanish American states, on declaring their independence, had adopted measures for the discontinuance of slavery within their limits. It was abolished by a decree of the Mexican republic on the 15th of September 1829. The government of Buenos Ayres enacted that all children born to slaves after the 31st of January 1813 should be free; and in Colombia it was provided that those born after the 16th of July 1821 should be liberated on attaining their eighteenth year.

An epoch-making event was the foundation in 1839 of the British and Foreign Anti-Slavery Society, chiefly by the efforts of Joseph Sturge and William Allen, for the universal abolition of slavery and the slave-trade. It proposed the attainment of this end by the employment of moral, religious, and pacific methods exclusively; and to this wise policy it has always steadily adhered. It has kept the English public informed of all events which had an influence on the great object it pursues; and has again and again most usefully intervened at important crises by special missions of inquiry, and by appeals addressed to the home and to foreign governments.

The three most important slave systems of the West, in which no effective steps towards emancipation had yet been taken, were those of the southern United States, of Cuba, and of Brazil.

United States.

Slavery was far from being approved in principle by the most eminent of the fathers

of the American Union. Washington in his will provided for the emancipation of his own slaves; he said to Jefferson that it was "among his first wishes to see some plan adopted by which slavery in his country might be abolished by law," and again he wrote that to this object his own suffrage should never be wanting. John Adams declared his abhorrence of the practice of slaveholding, and said that "every measure of prudence ought to be assumed for the eventual total extirpation of slavery from the United States." Franklin's opinions we have already indicated; and Madison, Hamilton, and Patrick Henry all reprobated the principle of the system.[1] Jefferson declared that in the presence of the institution "he trembled for his country when he remembered that God was just." The last-

[1] "Slavery," said George Mason of Virginia, "discourages arts and manufactures. The poor despise labour when performed by slaves. They prevent the immigration of whites . . . they produce a pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country." (Quoted in Wilson's *Division and Reunion*, p. 120.) Madison speaks of the imbecility ever attendant on a country filled with slaves. Jefferson clearly foresaw the final issue. In his *Autobiography*,

named statesman, at the first continental congress after the evacuation by the British forces, proposed a draft ordinance (1st March 1784) for the government of the territory—including the present Tennessee, Alabama, and Mississippi—ceded already or to be ceded by individual states to the United States; and it was an article of this ordinance that "after the year 1800 there should be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crime." This proviso, however, was lost. At the convention of Philadelphia in 1787, where the constitution was settled, the sentiments of the framers were against slavery; but South Carolina and Georgia insisted on its recognition as a condition of their joining the Union, and even an engagement for the mutual rendition of fugitive slaves was embodied in the federal pact. The *words* "slave" and "slavery" were,

speaking of a former proposal of his for the gradual abolition of slavery in Virginia, he says (1821) "the public mind will not bear it even at this day; but the day is not far distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free."

however, excluded from the constitution, "because," as Madison says, "they did not choose to admit the right of property in man" in direct terms; and it was at the same time provided that Congress might interdict the foreign slave-trade after the expiration of twenty years. It must not be forgotten that either before or soon after the formation of the Union the northern states—beginning with Vermont in 1777, and ending with New Jersey in 1804—either abolished slavery or adopted measures to effect its gradual abolition within their boundaries. But the principal operation of (at least) the latter change was simply to transfer northern slaves to southern markets.

We can only briefly indicate the several steps by which the Slave Power for a long time persistently increased its influence in the Union. Its constant effort was to get possession of additional territory, out of which new slave states could be formed, giving it increased representation in the Senate of the Union, and so the "peculiar institution" of the south be not merely preserved but extended.

Louisiana, a territory afterwards formed into four states—the one similarly named, Arkansas, Missouri, and Kansas—had been gained by purchase from France in 1804. The acquisition, though not made in the interest of the Slave Power, was favourable to its advance. Slaves already existed in the territory; and the planters gradually extended the range of the institution along the western side of the Mississippi, so that in 1818 they were in a position to claim for Missouri admission into the Union as a slave state. Thereon arose the first resolute struggle between the antagonist principles, both parties being impressed with a sense of the importance of the territory as a centre of colonisation. After a protracted political contest, the question was decided (1820) by the admission of Missouri as a slave state, on the condition that, in the future, slavery should not be carried further north than to 36° 30′ of north latitude. After this substantial, though not complete, victory, the next marked advance of the slave-holding interest was the annexation of Texas.

Texas was one of the members of the Mexican Confederation formed in 1824, three

years after the country became independent of Spain. Slavery existed in Texas, but by its constitution provision was made for the gradual extinction of the system, and the importation of slaves was prohibited. The southern leaders coveted the country, because they saw in it a vast field for the extension of their cherished institution, and the weakness of Mexico invited aggression. Immense numbers of southerners migrated to Texas, carrying their slaves with them in open violation of the constitution. Santa Anna, the Mexican president, inopportunely undertook the enterprise of abolishing the federal system and making the confederate states provinces of a single commonwealth. Texas seceded, the Mexicans were defeated, and an independent republic was established with a constitution which sanctioned slavery. The American settlers, who practically controlled the country, applied for its admission into the Union. Private intrigues were carried on for the achievement of this object, clandestine negotiations were conducted by President Tyler, and a resolution in favour of annexation was passed by both Houses of Congress in 1845.

Then followed a war with Mexico, for which scarcely a decent pretext was alleged, but the real motive of which was the thirst for territorial aggrandisement in the interest of the slave power. It resulted in the resignation by Mexico of all claim on Texas, and the cession of New Mexico and California for a stipulated sum (1848). Thus was raised in a decisive way the question of the exclusion of slavery from the territories, and this became the issue between the contending parties.

Already in 1846 what was known as the Wilmot Proviso had been brought forward, proposing to enact that in any territories to be gained from Mexico slavery should not exist; but this proviso had failed to pass. Slavery was prohibited in Oregon, another recent acquisition, in 1848; but New Mexico and California, in consequence of the division of opinion, were left unorganised. The free soil party now arose, which repudiated interference with slavery in the states, but insisted that it ought to be forbidden in the territories. Meanwhile the influx of vast bodies of immigrants from Europe, whether they remained in the northern cities or pushed on to the

west, strengthened the free as against the slave-holding communities. Into California, in particular, in consequence of the gold discoveries there, an immense new population poured, composed mainly of Europeans or of people from the north, and created in this state a decided preponderance of anti-slavery sentiment.

Henry Clay put forward in 1850 a plan of compromise, which was adopted within the year. Its essential features were the admission of California as a state, with her free constitution, the organisation of New Mexico and also of Utah as territories, with or without slavery, as might be ultimately determined, the enactment of a stringent Fugitive Slave Law, and the abolition of the slave-trade in the district of Columbia. It may be doubted whether this compromise, though expected to conduce to peace, did not precipitate the final crisis. The Fugitive Slave Law irritated northern feeling by its rigorous provisions and its application in hard cases, and still more by its demand that all good citizens should assist in its execution, and by the principle it embodied of the active support of the institution by the

entire Union. Riotous rescues frequently took place when it was sought to enforce the law, and the legislatures of many of the northern states passed measures intended to impede or defeat it.

The next movement of the Slave Power was the repeal of the Missouri Compromise in 1854. The question of the organisation of the territories of Kansas and Nebraska was pending; and Mr. S. A. Douglas introduced a bill professedly founded on the precedent afforded by the legislation of 1850, and declaring "inoperative and void" the act of 1820, which had confined slavery within the boundary fixed by 36° 30′ north latitude. The southern party, having derived from the Missouri Compromise the temporary advantage it was fitted to yield, now cast it aside; and Congress under their influence took action which implied the adoption, instead of it, of the doctrine known as that of "Squatter Sovereignty"—namely, that the people in every territory should be at liberty to form and regulate their institutions in their own way; in other words, that all the territories should be opened to slavery.

A struggle now began between north and south for priority in the colonisation of Kansas. Settlers poured in from both quarters, rival constitutions were adopted, and actual civil war began, requiring the intervention of the military forces of the Union. Though Kansas was not admitted as a state till 1861, it soon became plain that she would enter the federation with a constitution excluding slavery.

All those who opposed the Nebraska Bill united in the formation of the great "Republican" party, which, consisting mainly of the former Whigs, absorbed the Free-soilers and the Abolitionists. It declared that neither Congress nor a territorial legislature, nor any body of persons, could "give legal existence to slavery in any territory," and insisted on the immediate admission of Kansas as a free state.

With the same object which they had always steadily pursued, the slaveholders aimed at appropriating Cuba, and annexing it to the Union, and these views were favoured by President Pierce, and afterwards by Buchanan. In 1854 three foreign ministers

of the United States met and discussed this subject, and, as the result of their deliberations, issued the "Ostend Manifesto," which declared that the acquisition of Cuba would be advantageous, and that, if Spain would not sell the island, the States should seize it by force rather than allow it to be "Africanised." Filibustering attempts were made in Central America, which, though the work of unauthorised persons, were evidences of the spirit and purposes of the slaveholding class. There was even an idea in some quarters of reviving the external slave-trade.

To these various causes of strife was now finally added the decision of the Dred Scott case. Scott was a negro slave who had been taken by his master, in the course of his military duty, from his home in Missouri to Illinois, where slavery was prohibited by State law, and afterwards to the territory which is now Minnesota, whence, under the Missouri Compromise, slavery was excluded. On his return to Missouri he appealed to the law-courts to declare him free, on the ground that his master's rights over him had been extinguished by his temporary residence in a

free state and a free territory. The Missouri court gave judgment in his favour, but the case went ultimately to the Supreme Federal Court, and was decided (1856) against Scott, who was held not to be a citizen of Missouri, and to have no *locus standi* in the courts of that state. The judges at the same time laid down the general doctrine that the slave was not regarded by the constitution as a person, but only as property; and that Congress was bound to protect the owner of such property in the possession of it within any territory belonging to the United States, and could not divest itself of this responsibility until the territory, by becoming a state, passed out of the direct control of the federal government. Thus it was decided that what had been all along the principle and the policy of even the most moderate opponents of the south—namely, the exclusion of slavery from the territories—was contrary to the constitution of the United States.

The career of aggression which we have described had gradually awakened a determined spirit of opposition, founded on deep-seated convictions. The pioneer of the more

recent Abolitionist movement was Benjamin Lundy (1789-1839). He was followed by William Lloyd Garrison (1805-1879), who established in 1831 the paper entitled *The Liberator*. The American Anti-Slavery Society was founded in 1833. The programme of the journal and the society was essentially the same—the immediate and total abolition of slavery throughout the country. Elijah P. Lovejoy (1802-1837)—a martyr, if ever there was one—Wendell Phillips, Charles Sumner, John Brown (born 1800, hanged 1859), were, in their several ways, leaders or promoters of the cause. The best intellect of America outside the region of practical politics was always on the anti-slavery side. William E. Channing, R. W. Emerson, the poets Bryant, Lowell, Longfellow, pre-eminently Whittier, and more recently Whitman, spoke on this theme with no uncertain sound. The South, and its partisans in the north, made desperate efforts to prevent the free expression of opinion respecting the institution. They demanded that anti-slavery petitions should not even be discussed in Congress. The Abolitionist meetings were broken up by rowdy mobs.

The Christian churches in the slave states scandalously violated their most sacred duty, and used their influence in favour of the maintenance of slavery, the ministers of religion declaring it to be sanctioned by Scripture, and sometimes even encouraging the atrocities resorted to in defence of the system. But in spite of every such effort opinion steadily grew. Public sentiment in the north was deeply stirred by the *Uncle Tom's Cabin* of Mrs. Harriet Beecher Stowe (1852), which, as Senior said, under the disguise of a novel was really a pamphlet against the Fugitive Slave Law. It gradually became apparent that the question could not be settled without an armed conflict. The designation of Abraham Lincoln as President in November 1860, through the choice by his supporters of a majority of the electors, was the signal for the revolt of the south. It was South Carolina that took the decisive step. The legislature of that state summoned a convention, which, in December 1860, pronounced the dissolution of the union "subsisting between it and other states under the name of the United States of America," and made such arrangements as

were necessary for its government as an independent republic. This lead was followed by Georgia, Alabama, Mississippi, Louisiana, and Texas. The seceding group formed a new Union, which, after the outbreak of the war, was enlarged by the accession of Arkansas, North Carolina, Virginia, and Tennessee. A provisional constitution was framed for the "Confederate States," and Jefferson Davis was chosen as the first President.

Hostilities opened with an attack of the Confederates on the Federal garrison of Fort Sumter, to which Lincoln immediately replied by a levy of volunteers, and a war began which was carried on during four years with varying fortunes but with great energy, bravery, and self-devotion, on both sides. The struggle was closed by the surrender of the Confederate generals, Lee and Johnston, to Grant and Sherman respectively, in April 1865.

The north at first took arms simply to maintain the Union; but far-sighted men from the first had seen, and soon the whole nation saw, that the real issue was the continued existence or the total abolition of slavery.

W. H. Seward in 1858 truly said that the approaching collision, instead of being accidental, unnecessary, or factitious, was "an irrepressible conflict between opposing forces,—that the United States must and would, sooner or later, become either entirely a slaveholding nation or entirely a free-labour nation." In the same year Lincoln said, "Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, north as well as south." An English journal in 1861 pronounced slavery to be "but a surface question in American politics." The truth is—what the south had all along required and still on the eve of the war demanded of the north was its complicity and co-operation in the work of fortifying and extending slavery.

The success of the north was won at a fearful cost; but the results of the victory compensated fully the expenditure of blood and treasure it involved. Public life in

America was freed from a noxious incubus and source of corruption; the possibilities of intellectual and moral development were opened to millions of human beings; and the formation of a great slave empire, fraught with immense evils to our whole race, was decisively and for ever prevented. Some European politicians—Mr. Gladstone among the number—entirely mistook the nature of the crisis. Carlyle set himself strongly against the north, because he viewed abolition as a branch of the general democratic revolt of our age, which he yet constantly declared must go its way in spite of "quacksalvers of every sort." He ought to have regarded the question of slavery as a part of the world-problem of the proletariate, the transcendent importance of which he himself was foremost in proclaiming. Some of the more faint-hearted in the States and elsewhere discouraged the continuance of the struggle to the bitter end, and favoured a compromise and a division of the Union between freedom and slavery. Even a publicist of such pronounced sympathies with the north as Cairnes recoiled before the enterprise of reconstructing the Union in its integrity.

But the great body of the American people judged more wisely. Having put their hand to the plough, they did not look back till the work had been thoroughly accomplished. The reconstruction was essential to secure the great objects in view; and even those who believe, with the writer of these lines, that the Union in its present dimensions cannot long continue to exist, may rejoice at its full re-establishment, as having been necessary for the liberation and subsequent protection of the whole black population and the guidance of the south to a social system based on free labour.

Already in September 1862 Lincoln had publicly announced that, if the insurgent states did not submit within a hundred days, he should declare the slaves within their limits to be free. And accordingly on the 1st of January 1863 he proclaimed their emancipation. This action he took in his capacity as Commander-in-chief of the national forces; but it had not of course the effect of permanently abolishing an institution which still had the sanction of law. But in 1865, after the defeat of the south, the requisite majority of the states

adopted, on the proposition of Congress, an amendment of the constitution declaring that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction." A second amendment, which became law in 1868, declared all persons born in the United States—and therefore the freedmen and their descendants—to be citizens both of the Union and of the several states in which they resided; and a third secured to all citizens the right to vote without any restriction founded on "race, colour, or previous condition of servitude."

It is, however, difficult to accept the conclusion that the position of the negroes of America is thus finally determined. The union of the two races by intermarriage, to which some have looked forward, appears highly improbable. The indelible mark of colour must — it would seem — keep them apart, and prevent the due degree of unity in the population. It is to be feared that a contemptuous and exclusive feeling on the part of the whites will continue to exist and

be met by sentiments of jealousy and disaffection among the blacks; and even apart from the evidence afforded by painful incidents of frequent occurrence, it is not easy to believe in the perpetual peaceful co-existence, in a modern republican and industrial state, of a dominant and a subject caste, possessing under the constitution the same political rights. Auguste Comte, writing in 1852, and recognising in American slavery a great social anomaly which "could not end well,"[1] suggested, as the best mode of dealing with it, the utilisation and development of the special focus which the oppressed race had created for itself in Hayti. To expiate the crime which for three centuries had stained all the western nations, alike Catholic and Protestant, he proposed that they should contribute suitable indemnities, by means of which a home should be provided in the American archipelago for the liberated descendants of the transplanted Africans. Others have thought that Africa is the destined future dwelling-place of the enfranchised negroes, and that it will be through their agency that the native race in that

[1] *Politique Positive*, vol. iv. p. 520.

Continent will be most effectually guided on the road to civilisation. With this view the colony of Liberia, now long an independent state, was founded by the American Colonisation Society, and it is asserted that many of the negroes in the southern states have "a restless sense of homelessness which will never be appeased till they stand" on the soil where their forefathers dwelt.[1] Some separate settlement appears necessary (as indeed Jefferson long since saw) to their dignity and free

[1] The following are the words of one who himself belongs to the Negro race and who favours an African settlement:—

"In the United States, notwithstanding the great progress made in the direction of liberal ideas, the Negro is still a stranger. The rights and privileges accorded by constitutional law offer him no security against the decrees of private or social intolerance. He is surrounded by a prosperity—industrial, commercial, and political,—in which he is not permitted to share, and is tantalised by social respectabilities from which he is debarred. The future offers no encouragement to him. In the career of courage and virtue, of honour, emolument, and fame, which lies open to his white neighbours and to their children, neither he himself nor his sons and daughters can have any part. From that high and improving fellowship which binds together the elements from Europe, however incongruous, the negro child is excommunicated before he is born."—Blyden, *Christianity, Islam, and the Negro Race*, p. 398.

development;[1] but it neither could nor ought to be forced upon them, and would afford a solution of the difficulty only if "made worth their while," and therefore cordially accepted on their part.

CUBA.

The Spanish slave code, promulgated in 1789, is admitted on all hands to have been very humane in its character; and, in consequence of this, after Trinidad had become an

[1] Jefferson and his friends, at the time of the revision of the laws of Virginia in 1776-7, proposed a plan for the abolition of slavery by the emancipation of all born after a fixed day, and deportation at a certain age. The females till 18 and the males till 21 were to be brought up to useful occupations at the public expense, and then sent as colonists to such place as the circumstances of the times should render most proper, with supplies of "arms, implements of household and of the handicraft arts, seeds, pairs of the domestic animals, etc." The United States were then "to declare them a free and independent people, and to extend to them alliance and protection till they had acquired strength"; and to fill their place with white immigrants invited from abroad. He believed that "the two races, equally free, could not live in the same government." "The cession," he said, apparently in 1820, "of that kind of property [slaves], for so it is misnamed, is a bagatelle which would not cost me a second thought, if in that way a general emancipation and *expatriation* could be effected; and gradually and with due care, I think it might be."

English possession, the anti-slavery party resisted—and successfully—the attempt of the planters (1811) to have the Spanish law in that island replaced by the British. But, notwithstanding this mildness of the code, so habitually and glaringly were its provisions violated in the colonies of Spain that Dr. R. R. Madden, who had personal knowledge of the affairs of Cuba, declared in 1840 that "slavery in Cuba was more destructive to human life, more pernicious to society, degrading to the slave and debasing to the master, more fatal to health and happiness, than in any other slaveholding country on the face of the habitable globe." "It is in Cuba at this day," wrote Cairnes in 1862, ". . . that we see in the servile class the coarsest fare, the most exhausting and unremitting toil, and even the absolute destruction of a portion of its numbers every year by the slow torture of overwork and insufficient sleep and rest." The slave population of the island was estimated in 1792 at 84,000; in 1817 at 179,000; in 1827 at 286,000; and in 1843 at 436,000.

An Act was passed by the Spanish legislature in 1870, providing that every slave who had

then passed, or should thereafter pass, the age of sixty should be at once free, and that all yet unborn children of slaves should also be free. The latter, however, were to be maintained at the expense of the proprietors up to their eighteenth year, and during that time to be kept, as apprentices, to such work as was suitable for their age. This is known as the Moret law, having been carried through the House of Representatives by Senor Moret y Prendergast, then minister for the colonies. By the census of 1867 there was in Cuba a total population of 1,370,211 persons, of whom 764,750 were whites and 605,461 black or coloured; and of the latter number 225,938 were free and 379,523 were slaves. In 1873 the Cubans roughly estimated the population at 1,500,000,—of whom 500,000, or one-third, were slaves.

Mr. Crowe, consul-general in the island, stated in 1885 that "the institution was rapidly dying,—that in a year, or at most two, slavery, even in its then mild form, would be extinct."

This prediction was speedily verified. The planters had suffered much from the low price

of sugar during several seasons, and the heavy taxation consequent on an insurrection in the island which lasted from 1868 to 1878. Many of them were unable to pay the wage of three dollars a month which the law required for the freedmen and in default of which the slave was immediately liberated. The general uneasiness and uncertainty regarding slave property greatly reduced its value. Manumissions became frequent. These causes tended to a spontaneous extinction of the system, and the Spanish government, in October 1886, gave the final blow to the moribund institution. It issued an order, founded on legislation by the Cortes, for the discontinuance of the *patrocinado* or apprentice system which had been instituted by a law of 1880. The freedmen, who had been subject to Juntas, or boards of control, were now taken under the immediate protection of the State, and were only required to show during the next four years that they were industriously employed. Thus the last traces of slavery disappeared from Cuba.

Brazil.

There was a convention between Great

Britain and Brazil in 1826 for the abolition of the slave trade, but it was habitually violated in spite of the English cruisers. In 1830 the traffic was declared piracy by the Emperor of Brazil. England asserted by the Aberdeen Act (1845) the right of seizing suspected craft in Brazilian waters. Yet by the connivance of the local administrative authorities 54,000 Africans continued to be annually imported. In 1850 the trade is said to have been decisively put down. The planters and mine proprietors cried out against this as a national calamity. The closing of the traffic made the labour of the slaves more severe, and led to the employment on the plantations of many who before had been engaged in domestic work; but the slavery of Brazil has always been lighter than that of the United States. On the 28th of September 1871 the Brazilian chambers passed an Act known as the Rio Branco Law, which proposed to abolish slavery throughout the empire. Though existing slaves were to remain slaves still—with the exception of those possessed by the Government, who were liberated by the Act,—facilities for emancipation were given;

and it was provided that all children born of female slaves after the day on which the law passed should be free. They were, however, bound to serve the owners of their mothers for a term of twenty-one years. A clause was inserted to the effect that a certain sum should be annually set aside from fines to aid each province in emancipating slaves by purchase. Seven years before the passing of this Act, the Emperor Pedro II., whose influence was always exerted in favour of freedom, had liberated his private slaves, and many Brazilians after 1871 followed his example. According to the census of 1835 there were then in Brazil 2,100,000 slaves. It was estimated that at the beginning of 1875 there were not more than 1,476,567. But in 1884 they are said to have been 3,000,000 in number. A gradual separation for some time went on between the parts of the country in which slave labour continued to be used and the free-labour regions. Slavery tended to become concentrated in the districts between Maranhão and São Paulo.

In 1880 the deputy Joaquim Nabuco, leader of the anti-slavery movement, obtained

leave to introduce a bill for a more rapid liberation of slaves than was attainable under the law of 1871, and for the final extinction of slavery in Brazil by the 1st of January 1890. The Government, however, refused to sanction the further progress of the bill, on the ground that the problem was being solved in a satisfactory manner and that no additional legislation was required. The question was the principal subject of discussion in the Parliament which opened on the 8th of March 1885. A bill was passed, known as the Saraiva Law, which disappointed the expectations of the abolitionists. It was held to provide exorbitant compensation for the slave-owners; and, although slaves over sixty years of age were to obtain their freedom, all slaves except those over sixty-five, on being set free, as well as the indentured children of slaves, were to remain three years longer with their masters at very low wages, the planters thus practically receiving an additional indemnity.

The abolitionists continued their efforts, and public opinion became dissatisfied with half measures. An impression, too, gradually gained ground amongst the slaveholders that

they would get on better with free labour, and that slavery should be brought to an immediate end. A ministry, constituted in May 1888, brought forward a bill for that purpose in the Chamber of Deputies; it was speedily passed by that body and by the Senate, and signed, in the absence of the Emperor, by his daughter the Princess Regent, who took occasion to express her hearty personal concurrence in the Act of Emancipation.

Imported Labour in Colonies.

In the colonies of more than one European country, after the prohibition of the slave trade, attempts were made to replace it by a system of importing labourers of the inferior races under contracts for a somewhat lengthened term; and this was in several instances found to degenerate into something like a legalised slave traffic. About 1867 we began to hear of a system of this kind which was in operation between the South Sea Islands and New Caledonia and the white settlements in Fiji. It seems to have begun in really voluntary agreements; but for these the

unscrupulous greed of the traders soon substituted methods of fraud and violence. The natives were decoyed into the labour ships under false pretences, and then detained by force; or they were seized on shore or in their canoes and carried on board. The nature of the engagements to go and work on the plantations was not fully explained to them, and they were hired for periods exceeding the legal term. The area of this trade was ere long further extended. In 1884 attention was drawn in a special degree to the Queensland traffic in Pacific Islanders by the *Hopeful* trials,[1] and a Government Commission was appointed to inquire into the methods followed by labour ships in recruiting the natives of New Guinea, the Louisiade Archipelago, and the D'Entrecasteaux group of islands. The result of the investigations, during which nearly five hundred witnesses were examined, was the disclosure of a system

[1] The Government agent, the recruiting agent, and the captain and crew of the ship *Hopeful* were tried for offences committed in the course of the traffic. The captain and mate were found guilty of murder and sentenced to death, which was afterwards commuted to penal servitude for life.

which in treachery and atrocity was little inferior to the old African slave-trade. The commissioners reported (1885) that the history of the cruise of the ship *Hopeful* in particular was one long record of deceit and treachery, deliberate kidnapping, and cold-blooded murder. Such shameful deeds made the islanders regard it as a duty to avenge their wrongs on any white men they could entice upon their shores; and the noble-hearted bishop of Melanesia, John Coleridge Patteson, had fallen a victim to this retaliation on the island of Nukapu on the 20th of September 1871.

Already in 1884 the Queensland Government had issued, under a statutory authority, a Code of Regulations respecting the conduct of the trade; and in consequence of the revelations in the Report of the Commission of 1885, the Government of Sir Samuel Griffiths resolved to suspend the issue of licenses for the introduction of "Kanaka" labour, as it was called, into Queensland after the close of 1890. It was, however, urged by the planters that the sugar industry would be extinguished by the withdrawal of coloured

labour, and they demanded that the importation should be permitted for, at least, a certain period in order to "develop sub-tropical agriculture and fruit-growing in the northern districts." The Premier changed the views on the subject which he had previously strongly expressed, and favoured the continuance of the traffic; and a Colonial Act for that purpose was passed in 1892. An effort was made in England to have this Act disallowed by the Home Government; but the application of the Imperial Veto was considered too strong a step to be taken. It was alleged that the treatment of the blacks on the Queensland plantations was humane—though the mortality amongst them was admittedly excessive—and it appeared that since 1885 no authenticated case of any serious abuse had been brought to light. The Act therefore became law, and immediately afterwards the regulations were revised by the Queensland authorities, so as to form what Lord Ripon described as "a full and careful code, for the protection of the interests of the labourers, both on board ship, while working on the plantations, and in connection with

their return to their homes." It is to be hoped that this code will be enforced with persistent vigilance and firmness. But it does not seem likely that this will be done by authorities whose official existence is largely dependent on persons interested in the activity and extension of the traffic. It is reasonable to demand, in the words of Sir Arthur Gordon,[1] that "the supervision of the recruitment should be placed in the hands of officers of the Imperial Government, to be stationed at various points of the Western Pacific, and before one or other of whom all intending labourers should be brought before starting on their voyage to Queensland." The whole history of the system teaches us the lesson that the industrialism of the 19th century, uncontrolled as it is by any adequate moral authority, would, unless restrained by the power of law, work mischiefs in those regions of the same kind as were wrought elsewhere by European enterprise in the times of Cortez and Pizarro.

[1] Letter in the *Times* of Jan. 5, 1893. Sir Arthur Gordon, now Lord Stanmore, was for some years Her Majesty's High Commissioner in the Pacific.

CHAPTER IX

SLAVERY IN RUSSIA AND THE MOHAMMEDAN EAST

We have seen that the last vestiges of the monstrous anomaly of modern colonial slavery have disappeared from all civilised states and their foreign possessions. It now remains to consider the slavery of primitive origin which has existed within recent times, or continues to exist, outside of the Western world.

Russia.

In Russia, a country which had not the same historical antecedents with the Western nations, properly so called, and which is in fact more correctly classed as Eastern, whilst slavery had disappeared, serfdom was in force down to our own days. The rural population of that country, at the earliest period accessible

to our inquiries, consisted of (1) slaves, (2) free agricultural labourers, and (3) peasants proper, who were small farmers or cottiers and members of a commune. The sources of slavery were there, as elsewhere, capture in war, voluntary sale by poor freemen of themselves, sale of insolvent debtors, and the action of the law in certain criminal cases. In the eighteenth century we find the distinction between the three classes named above effaced, and all of them merged in the class of serfs, who were the property either of the landed proprietors or of the State. They were not even *adscripti glebæ*, though forbidden to migrate; an imperial ukase of 1721 says, "the proprietors sell their peasants and domestic servants, not even in families, but one by one, like cattle." This practice, at first tacitly sanctioned by the Government, which received dues on the sales, was at length formally recognised by several imperial ukases. Peter the Great imposed a poll-tax on all the members of the rural population, making the proprietors responsible for the tax charged on their serfs; and the "free wandering people" who were not willing to enter the army were required to settle on

the land either as members of a commune or as serfs of some proprietor. The system of serfdom attained its fullest development in the reign of Catherine II. The serfs were bought, sold, and given in presents, sometimes with the land, sometimes without it, sometimes in families and sometimes individually, sale by public auction being alone forbidden, as "unbecoming in a European state." The proprietors could transport without trial their unruly serfs to Siberia or send them to the mines for life, and those who presented complaints against their masters were punished with the knout and condemned to the mines.

The first symptoms of a reaction appear in the reign of Paul (1796-1801). He issued an ukase that the serfs should not be forced to work for their masters more than three days in each week. There were several feeble attempts at further reform, and even abortive projects of emancipation, from the commencement of the present century. But no decisive measures were taken before the accession of Alexander II. (1855). That Emperor, after the Crimean war, created a secret committee composed of the great officers of

state, called the Chief Committee for Peasant Affairs, to study the subject of serf-emancipation. Of this body the Grand-Duke Constantine was an energetic member. To accelerate the proceedings of the committee, advantage was taken of the following incident. In the Lithuanian provinces the relations of the masters and serfs were regulated in the time of Nicholas by what were called Inventories. The nobles, dissatisfied with these, now sought to have them revised. The Government interpreted the application as implying a wish for the abolition of serfdom, and issued a rescript authorising the formation of committees to prepare definite proposals for a gradual emancipation. A circular was soon after sent to the governors and marshals of the nobility all over Russia proper, informing them of this desire of the Lithuanian nobles, and setting out the fundamental principles which should be observed "if the nobles of the provinces should express a similar desire." Public opinion strongly favoured the projected reform; and even the masters who were opposed to it saw that, if the operation became necessary, it would be more safely for their

interests intrusted to the nobles than to the bureaucracy. Accordingly during the year 1858 a committee was created in nearly every province in which serfdom existed. From the schemes prepared by these committees, a general plan had to be elaborated, and the Government appointed a special imperial commission for this purpose. The plan was formed, and, in spite of some opposition from the nobles, which was suppressed, it became law, and serfdom was abolished (19th of February = 3rd of March 1861).

It was provided "(1) that the serfs should at once receive the civil rights of the free rural classes, and that the authority of the proprietor should be replaced by communal self-government; (2) that the rural communes should, as far as possible, retain the land they actually held, and should in return pay to the proprietor certain yearly dues in money or labour; (3) that the Government should by means of credit assist the communes to redeem these dues, or, in other words, to purchase the lands ceded to them in usufruct." As regarded the domestic serfs, they were to continue to serve their masters for two years, and then to become

entirely free, but without any right to a share of the land. The task of explaining the law and organising the new state of things was committed to selected local proprietors in each district, who were called "arbiters of the peace." These officials prepared, generally by agreement with the two parties, charters regulating the relations between the proprietors and the communes. Their difficult work was on the whole discharged in a very satisfactory manner, and the transition thus successfully accomplished. The financial arrangement was as follows. The dues were capitalised at 6 per cent, and the Government paid at once to the proprietor four-fifths of the whole sum. The peasants were to pay the remaining one-fifth either at once or by instalments, and to the Government 6 per cent for forty-nine years on the sum advanced. Where the commune would not undertake the operation of purchase, the proprietors could obtain an obligatory redemption by remitting the one-fifth. The total number of serfs belonging to proprietors at the time of the emancipation was 21,625,609, of whom 20,158,231 were peasant serfs, and 1,467,378 domestic serfs. This number does

not include the State serfs, who formed about one-half of the rural population. Their position had been better, as a rule, than that of the serfs on private estates; it might, indeed, Mr. Wallace says, be regarded as "an intermediate position between serfage and freedom." Amongst them were the serfs on the lands formerly belonging to the church, which had been secularised and transformed into state demesnes by Catherine II. There were also serfs on the apanages affected to the use of the imperial family; these amounted to nearly three and a half millions. Thus by the law of 1861 more than 40,000,000 of serfs were emancipated. The change was, without doubt, both necessary and beneficent; but the enthusiastic expectations formed by many persons as to its immediate economic and moral results do not appear to have been fulfilled. The operation of the measure, we are told, has not been the same in different districts. A longer time than has yet elapsed will be required to make its consequences fully apparent, and further legislative intervention will probably be needed to develop the germs of social good which it contained.

Mohammedan Countries.

The slavery of the Mohammedan East is not the slavery of the field, but of the household. The slave is a member of the family, and is, in general, treated with tenderness and affection. Mohammed found slavery an existing institution amongst the Jews as well as the Pagans in Arabia; and it was therefore recognised in the Koran, as it had been in the Mosaic legislation, and even in the early ages of the Christian Church. But the religion of Islam seeks to mitigate its hardships, and inculcates a considerate and kindly spirit towards the slave. "To those of your slaves," says the Koran, "who desire a deed of manumission, execute it for them, if ye know good in them, and give them a portion of the wealth which He hath given you. Force not your female slaves into sin . . . if they wish to preserve their modesty. Yet, if any one compel them, then verily to them, after their compulsion, will God be forgiving, merciful" (Rodwell, sura xxiv.). Mohammed allowed his followers to marry

believing slaves with the permission of their masters, giving them a fair dower; and these women, if after marriage they committed adultery, were to suffer only half the penalty enacted for free married women. The Eastern slave is not regarded as degraded; slavery in earlier life is no impediment to his reaching the highest social elevation. But, not to speak of moral evils inseparably connected with the institution, whilst it can allege in those countries no present basis of political necessity to excuse or palliate it, we must never forget that behind the slavery, however mild in itself, stands the slave-trade, with its systematic man-hunting, which has been, and still is, the curse of Africa.

To the healing of this plague of the Dark Continent the efforts of the western nations, elsewhere so fruitful in beneficent results, had now to be directed. A decisive impulse towards the new movement was given by the heroic and self-devoted labours of David Livingstone between 1852, when he started from Bechuanaland on his way to St. Paul de Loanda, whence he afterwards crossed

the Continent to the mouth of the Zambesi, and 1873, when, attended only by faithful natives, he died on the shore of Lake Bangweolo. It was he who first stamped on the minds and hearts of his fellow-countrymen an adequate impression of the horrors wrought by slave-raiding and the slave-trade in the interior of Africa. The following words were among the last he wrote, and are inscribed on his tomb in Westminster Abbey:—"All I can say in my solitude is, May Heaven's rich blessings come down on every one—American, English, Turk—who will help to heal this open sore of the world."

Let us first examine the situation as it was up to the close of his career, and review the steps which have already been taken to amend it.

In the days of the colonial slave-trade its African centre was the region about the mouths of the rivers Calabar and Bonny, whither the captive negroes were brought from great distances in the interior. As many slaves, Clarkson tells us, came annually from this part of the coast as from all the rest of Africa besides. At present, it is

believed—though so late as 1875 Cameron was otherwise informed—no slaves are exported from the western side of the continent. The principal centres from which in recent times the supply has been furnished to Egypt, Morocco, Turkey, Arabia, and Persia, are three in number.

1. The Soudan, south of the Great Sahara, appears to be one vast hunting-ground. Captives are brought thence to the slave-market of Kuka in Bornu, where, after being bought by dealers, they are, to the number of about 10,000 annually, marched over arid desert tracks under a burning sun to Murzuk in Fezzan, from which place they are distributed to the northern and eastern Mediterranean coasts. Their sufferings on the route are dreadful; many succumb and are abandoned. Rohlfs informs us that "any one who did not know the way" by which the caravans pass "would only have to follow the bones which lie right and left of the track." Negroes are also brought to Morocco from the Western Soudan and from Timbuktu. The centre of the traffic in Morocco is Sidi Hamed ou Moussa, seven

days' journey south of Mogador, where a great yearly fair is held. The slaves are forwarded thence in gangs to different towns, especially to Morocco city, Fez, and Mequinez.[1] About 4000 are thus annually imported, and an *ad valorem* duty is levied by the sultan, which produces about £4800 of annual revenue. The total number of negro slaves in Morocco was said some years ago to be about 50,000.

2. The basin of the Nile, extending to the great lakes, is another region infested by the slave-trade. The companies of brigands which devastate it and carry off the inhabitants are, for the most part, in the pay of merchants at Khartoum; and the slaves were formerly often smuggled into Egypt, but are now, for the most part, sent by the Red Sea to Turkey. The Khedive Ismail in 1869 appointed Sir Samuel Baker to the command of a large force with which he was "to strike a direct blow at the slave-trade in its distant nest."

[1] The public sale of slaves was for some time forbidden in the ports, though continuing in the inland towns; but it was stated in 1891 that this prohibition had been removed.

The instructions in the firman issued to him were as follows:—"To subdue to our authority the countries situated to the south of Gondokoro, to suppress the slave-trade, to introduce a system of regular commerce, to open to navigation the great lakes of the equator, and to establish a chain of military stations and commercial depôts throughout Central Africa." Many have supposed that Ismail was not sincerely desirous of the extinction of the slave-trade, and that he cared only for the extension of his territories, but it is right to say that Baker thought differently. How the latter executed his commission is told in his *Ismailia* (2nd ed. 1879). He returned to Cairo in August 1873. He declares that at that time "the White Nile, for a distance of 1600 miles from Khartoum to Central Africa, was cleansed from the abomination of a traffic which had hitherto sullied its waters." But it seems questionable whether, notwithstanding his energetic efforts, anything effectual had really been done towards the accomplishment of the ultimate end of the expedition.

Colonel C. G. Gordon was appointed by the

Khedive in January 1874 to the "governorship of the Equator," for the purpose of continuing Baker's work. He soon found that he could do nothing if he was not governor of the whole Soudan; he accordingly came back to Cairo, and declined further to serve the Khedive if he did not obtain this power; and it was placed in his hands. He now devoted himself to the suppression of the slave-trade, and, assisted by his faithful and able Italian lieutenant, Romolo Gessi, maintained a constant warfare against the dealers and their bands. In 1877 he obtained a decree from the Egyptian Government that the sale of slaves from family to family should cease in Egypt in seven years from that date and in the Soudan in twelve years. In 1879 Ismail abdicated the viceroyalty, and was succeeded by his son Tewfik; Gordon tendered his resignation, and, after a fruitless mission to Abyssinia, on which he was sent by the Khedive, he quitted Egypt. His later mission by the English Government to Khartoum to rescue the beleaguered Egyptian garrisons, his noble struggle there, the too late attempt at his deliverance, and his death in the discharge

of his duty (26th January 1885) are matters of universal knowledge. Almost to the end his hope was to be able to go to the Bahr-el-Ghazal, where Gessi had commanded for him, and there co-operate with Stanley on the Congo. "We will take back," he said, "every province from the slave-traders"; but these hopes were not to be realised, and now, it is to be feared, no trace of his or of Baker's work remains in the scene of their labours.[1]

Dr. Emin Pacha, an Austrian, appointed by Gordon Governor of the Egyptian Equatorial Provinces, had maintained his rule alone and unsupported amidst great difficulties for several years, and had administered the districts entrusted to him so ably that Dr. R. W. Felkin, who passed through them in 1879, said—"Were it not for the wild animals, you might traverse the whole country with no other weapon than a walking-stick." Emin achieved a marked success in freeing the region under his control from the horrors of the slave-trade.

[1] See Wingate's *Mahdiism and the Egyptian Sudan* for a vivid narrative of the confusions and disasters which began with the withdrawal of Gordon in 1879, and were brought to a head by the abandonment of the Soudan in 1883.

But in 1885 he became reduced to great straits, and an expedition was organised for his relief under the guidance of Stanley, who, after a memorable journey by way of the Congo, reached him, and conducted him to the eastern coast. Thus his provinces also relapsed into their former barbarous state, and were left open to the inroads of the followers of the Mahdi and the slave-hunting Arabs. Such were the deplorable effects of the hesitating and undecided policy of English Governments in those regions.

In Egypt proper, however, a great success has been achieved, chiefly due to the honourable fulfilment of his obligations by the late Khedive Tewfik (d. 1892), and to English influence ably exercised in the country by Sir Evelyn Baring (Lord Cromer). As has been already stated, Her Britannic Majesty and the Khedive Ismail had concluded in 1877 a treaty, according to which the sale of Negro Slaves or Abyssinians from family to family was prohibited in all the territories between Alexandria and Assouan, the prohibition to come into operation in 1884. Little result for some time followed, in consequence of the

difficulty of obtaining evidence respecting these private transactions; but the provisions of the treaty are now carried out, and only in exceptional instances do such sales clandestinely take place. There is a Slave Department under the authority of the Khedive and the able management of Colonel Schaeffer Bey, which, having its headquarters at Cairo, makes it very difficult either for slaves to be imported into Egypt, or those already in the country to be sold to other masters. In 1894 three pachas were arrested and put on their trial by court-martial on the charge of buying Soudanese slave girls. Though domestic slavery is still legal, a slave desiring emancipation has only to apply to the office of the above-mentioned department, when he (or she) at once receives a certificate of freedom; and there is a home in Cairo for the shelter and protection of liberated women.

3. There has long been a slave-trade from the East African coast. The stream of supply came mainly from the southern Nyassa districts by three or four routes to Ibo, Mozambique, Angoche, and Kilimane. Madagascar and the Comoro Islands obtained most of their slaves

from the Mozambique coast. It was believed in 1862 that about 19,000 passed every year from the Nyassa regions to Zanzibar, whence large supplies were drawn for the markets of Arabia and Persia up to 1873. Livingstone found the countries about the Rovuma and to the east of Lake Nyassa almost decimated by the slave-dealers. He marched for seven days through the Wahiao country through districts formerly peopled, but from which the population had now utterly disappeared. All along the routes lay the skeletons of slaves who had been killed by their Arab or Portuguese drivers when faint and unable to proceed with the caravan; and starving wretches were found who were left to perish on the way for lack of provisions. The mission of Sir Bartle Frere to the sultan of Zanzibar in 1873 brought about a treaty for the suppression of the slave-trade, but the cessation of the traffic from that port did not extinguish the traffic, but in part only gave it a different direction. Many slaves, we are told, are sent by land to the Somâli markets at Brava, Merka, and other places. In Madagascar, which had been supplied from the Mozambique coast, the

import and sale of slaves were prohibited within the Hova dominions by Queen Ranavalona II. in June 1877. The stations established by the English universities, by the Established and Free Churches of Scotland in the Shiré Highlands and on the shores of Lake Nyassa have doubtless contributed much to the diminution of the traffic in those parts. It is said that, whereas no less than 10,000 slaves formerly passed the southern end of the Nyassa every year, in 1876 not more than 38 were known to have been conveyed by that route. Lieutenant O'Neill, H.M. consul at Mozambique, writing in 1880, fixed at about 3000 the number then annually exported from the coast between the rivers Rovuma and Zambesi. But since that date the traffic seems to have received a fresh impetus from an increased demand for ivory, the slave and ivory trades being "hand and glove," as the ivory is carried to the coast by slaves who are then sold for exportation.

There are other minor branches of the trade elsewhere in Africa. Thus from Harar in Somâliland caravans are sent to Berberah on the coast, where there is a great annual

fair. The slaves are collected from the inland Galla countries, from Gurâgwe, and from Abyssinia, the Abyssinians being the most highly esteemed.

The maritime blockade which has been long maintained on the eastern coast of the Continent appears to have been only very partially successful. In spite of the vigilance of English cruisers and the occasional presence of warships of Italy and other nations, the exportation of slaves has gone on both from the Zanzibar coast and in a still greater degree from the shores of the Red Sea, where, the distance to the Arabian coast being short, the slavers often escape. One great difficulty which has prevented the efficiency of these naval operations is the refusal of France, in which she stands alone among the western powers, to allow an English officer to enter the hold of any ship sailing under her flag, to see whether there are slaves on board. It is said to be easy to obtain the privilege of flying the French flag by application and payment of the necessary fees at certain stations. French trade is large and increasing in the seas here referred to, and this difficulty is likely per-

manently to impede maritime action for the suppression of the traffic. The difficulty might perhaps be overcome by the creation of a special naval police, maintained by all the western powers, and under their joint control. To such a force France could scarcely refuse the right of *visite*. But for the present it will be necessary to rely mainly on such operations and influences as can be brought to bear within the continent itself. It may be doubtful whether, if these internal measures are prosecuted with due energy, the attempt at a blockade might not be abandoned or at least greatly limited. The heavy outlay incurred in the operations at sea might apparently be better devoted to the work of "pursuing the evil to its home and killing it at its root."[1]

Leopold II., King of the Belgians, in September 1876 invited representative geographers to a conference in his palace, to discuss the question of the exploration of Africa, and its civilisation through the development of commerce and the abolition of the slave-trade. Six European nations were

[1] Words of Lord Salisbury in his memorable speech at Glasgow in May 1891.

represented, and an International African Association was formed. The central committee organised seven successive expeditions from the east coast to Lake Tanganyika. The exploration of the Congo by Stanley turned attention to the west coast, and he went out in 1879 as commander-in-chief of the Association, to open up that river. The recognition by the European powers of its flag and its territorial rights transformed the Association into the "Congo Free State." No customs or transit duties were to be imposed on any commodities imported into its possessions (a stipulation which has since been modified); and the subjects of all nations were to be on the same footing with respect to personal rights and commercial advantages. King Leopold, with the consent of the Belgian legislature, became the head of the new state. He received effectual assistance in its establishment and organisation from Stanley, then already known by his discovery of Livingstone, his journey across Africa, and his descent of the Congo river. The king had also at a later stage looked to Gordon as a helper in his undertaking, and had obtained from him a

promise that he would go out to the Congo to aid in the work. He was called on to fulfil this promise in 1884, and was at Brussels on his way to Africa when he was summoned back by the British Government, and, at their request, entered on the heroic but ill-fated expedition to Khartoum.

Since the foundation of the state, it has lost its international character and has become virtually a Belgian dependency. Much exploration has been carried out under its auspices; trading stations have been established; a regular administration has been set on foot; and a railway begun which will extend far into the interior along the course of the Congo. It is alleged that the officers of the state have sometimes cruelly misused the natives, and in fact dealt with them as if they were slaves. That abuses of this kind should occur is but too likely in the present state of opinion with respect to our duties towards the retarded races. The territory of the state is said to comprise an area of about 870,000 square miles, with a native population of fourteen millions.

The appropriation of the Congo territory

was followed by what is known as the "Partition of Africa." The several western powers laid claim to different portions of the continent on the ground which the Berlin Congress had set up as the deciding principle of possession—namely that of "effective occupation" with adequate protection for life and property. Many treaties were formed with native chiefs, and international diplomacy endeavoured to reconcile rival pretensions so as to prevent recourse to armed conflicts. The country has thus been divided into what are called the "spheres of influence" of the different European governments. It may well be doubted whether these governments were within their rights in occupying spheres in Africa at all. But the action, whether for good or ill, has been taken; and in this case, as in most human affairs, the inquiry how power should be used is more important and more profitable than a discussion as to the mode of its acquisition. It appears to be at least very questionable whether any considerable step could be taken towards the suppression of the slave-trade within the continent without the assertion and maintenance of a

local political control. And the same objections do not hold against interference in a country like Africa, where for the most part arbitrary violence is rampant, which are conclusive against such action in organised communities, where its effect is to disturb and perhaps destroy an existing order which it may be difficult to replace.

It is natural to wish that active interference in Africa on a large scale could have been postponed until juster views of our duties to the less advanced populations were generally prevalent; but upon the other side must be set the consideration of the dreadful sufferings which the natives must in the meantime have undergone at the hands of their ruthless tormentors—sufferings more severe than any which are likely to arise from European wrong-doing. The call of national duty may be, and doubtless often is, hypocritically put forward by persons who, in advocating the occupation of the continent, really look only to personal gain; but it is not on that account the less real. As regards our own country, it is possible—the present writer regards it as morally certain—that her foreign empire will,

in a not very distant future, fall asunder, and new organisations take its place. But, while it lasts—and there is no need to accelerate its dissolution—she is, merely by virtue of its existence, under obligations to Humanity which ought not to be overlooked or evaded. Responsibility necessarily waits on power; Great Britain, as has been well said, "has no right to retain her amazing position in the world without giving to the world something in return." Among the services she can render is that of assisting in the civilisation of Africa by furthering what is its first condition —the abolition of the slave-trade. And her whole past binds her to effort in this direction. She has long laboured strenuously in the cause of suppressing the odious traffic, and she cannot violate "the continuity of her moral policy."[1] Now, it cannot be doubted that her acquisitions in Africa will greatly increase her ability to work towards this end. Little military action will be needed. One part, indeed, of

[1] The phrase is Mr. Bosworth Smith's. Lord Rosebery quoted it (October 1892) with approbation, and added—"My belief is that, having put our hands to the plough in that great enterprise [the abolition of slavery], we shall not be able, even if we were willing, to look back."

the programme of the ancient Roman in his dealings with the subject races she can and ought to realise within her own sphere, namely —"pacis imponere morem"—to insist, if necessary by force, on the maintenance of intertribal peace. But her ordinary task will be to guarantee the just treatment of the natives and to secure to peaceful industry its due reward. That she should, in so doing, benefit by the legitimate commerce which she opens and protects is not unreasonable; and this prospect furnishes the stimulus, with which imperfect human nature can rarely dispense, to labours which will serve the interests of the people amongst whom she operates, and of mankind in general.

It may be said, and doubtless justly, that in this statement of the case we invert the order of importance which commercial speculators would attribute to the two objects of public utility and private profit. But why should it be illusory to hope for a large infusion of the higher class of motives? Though the moral rules which should regulate our dealing with subject races are not yet adequately appreciated or laid to heart, yet the old

policy of treating those races simply as instruments to serve the cupidity or gratify the ambition of a dominant few would not now be acknowledged as tenable, and could not be attempted in practice without awakening in the better natures condemnation and resistance. By maintaining the supremacy of the Home Government as represented by its local administrators, we can place an effectual check on the selfish instincts of the mercantile or other adventurer. We ought also to let in as much light as possible on all that is done, whether by the agents of companies, or by persons exercising delegated authority in Africa, and fix on their proceedings the attention of the civilised world. May it not be hoped that a rivalry for good will be created—that the several powers will feel an emulation in working out the peace and prosperity of their respective spheres, and an honourable pride in being able to point to the favourable situation and the advancing social condition of the native populations under their control?

In 1888 a new champion, representing a great force, appeared in the field of anti-

slavery effort. Cardinal Lavigerie, Archbishop of Algiers and Carthage, was charged by Pope Leo XIII. with the mission of preaching a crusade against African slavery. He announced this mission in the Church of St. Sulpice at Paris, and soon after addressed a public meeting in London. By his influence anti-slavery societies were founded in several of the continental capitals. The policy which he proposed and they adopted was different from that of the British Society. He advocated direct military action. He urged the introduction into Africa of a body of armed men—five or six hundred, he thought, would suffice—to exterminate "the rabble of two or three hundred robbers" who infested the district of the Great Lakes. These plans were not favoured by those whose knowledge and experience best qualified them to form a judgment. Lines of stations must, indeed, be established like those of Emin, and a defensive force maintained in each station for the protection of the natives and the mercantile settlements of Europeans against marauding parties; but an aggressive expedition into the heart

of the continent would, it was believed, lead to a great sacrifice of life, and would merely divert the slave-trade into other routes. Whatever may be thought of the methods he proposed to follow, it cannot be doubted that the Cardinal, had he lived long enough, would have kindled a flame of enthusiasm on behalf of the anti-slavery cause in the Catholic countries of Europe. But he died —worn out, it would seem, by earnest and incessant labour—in November 1892.

A most remarkable event, and one of the happiest omen for the future in the struggle against the slave-trade, has been the recent union of the western and some oriental powers in a public denunciation of the traffic, and mutual engagements to suppress it. Already, indeed, there had been some manifestations of a similar kind. Both at the Congress of Vienna in 1815 and the Conference at Verona in 1822, resolutions were passed, on the initiative of the British Government, denouncing the trade. At the Conference of Berlin (1884-85), the powers there represented bound themselves to do all they could to put an

end to the trade as well as to "the operations which by sea or land furnish it with slaves." But still more decided and comprehensive was the action taken in 1889. At the suggestion of Her Majesty the Queen, acting on a resolution of the House of Commons, the King of the Belgians summoned a conference of the Powers to devise measures for the repression of the traffic. The conference opened on the 18th of November 1889, and the General Act embodying the result of its deliberations bears date the 2nd of July 1890.

This instrument enumerates, as amongst the most effective means for counteracting the slave trade in the interior of Africa—besides the proper organisation of the European services and the provision of means of military defence—the construction of roads and railways, the placing of steam vessels on inland navigable waters, the establishment of telegraphic lines, and restrictions on the importation of firearms and ammunition. The signatory powers "undertake to proceed gradually, as circumstances permit—either by the means above indicated or by other means which

they may consider suitable,—with the repression of the slave-trade, each state in its respective possessions and under its own direction." The Act was signed by representatives of Germany, Austria, Belgium, Denmark, Spain, the Congo State, the United States of America, France, Great Britain, Italy, Persia, Portugal, Russia, Sweden and Norway, Turkey, and Zanzibar, and, somewhat later, of the Netherlands. The French Chamber of Deputies, objecting to a provision respecting mutual *visite* at sea as likely to affect the honour of the national flag, at first refused to confirm the Act of the Conference. But when it was made clear that all that had been agreed upon was the right to verify the nationality of the flag by an inspection of the ship's papers, without searching for slaves—a right which France had admitted years before—and that even this right was to be exercised only within a limited zone and in the case of vessels of small tonnage, such as the slavers were, the difficulty was surmounted and the Chamber confirmed the Act. If all the powers who were represented at the Conference faithfully and with due energy

carry out its provisions, the slave-trade cannot long continue to exist in that large part of Africa which is within their spheres of influence.

Clarkson and Buxton, in the early days of the struggle against the slave-trade and slavery, whilst they urged all other available modes of action, saw clearly that the only thoroughly effectual method would be the development of legitimate commerce in Africa itself. When Buxton published in 1840 his book entitled *The Slave-Trade and its Remedy*, this was the remedy he contemplated. The unfortunate Niger expedition of 1841 was directed to similar ends; and it has been more and more felt by all who were interested in the subject that here lies the radical solution of the great problem. It had been for some time thought that from Sierra Leone as a centre, industry and civilisation might be diffused amongst the natives of the continent; and in 1822 the colony (which in 1847 became the independent republic) of Liberia had been founded by Americans with a similar object; but in neither case have these expectations been

fulfilled, though probably the influence of both settlements will be found useful hereafter in combination with more powerful agencies. New, and it would seem, really hopeful efforts for the same great end are now in operation.

Within the several spheres of influence occupied by European powers, the method of introducing and extending commerce generally adopted has been the traditional one of the creation of chartered companies. Their charters authorise them to trade over a certain area, to enter into treaties with native chiefs, to erect forts, to maintain a military or police force, and to frame and execute laws for the good government of the territory assigned to them. There are three such British companies at work in Africa—the Royal Niger, the Imperial British East Africa, and the British South Africa Companies. All these are under obligations to do everything in their power for the suppression of slavery.

A British protectorate was established on the lower Niger through the agency of the National African Company, which first took

possession of that river, and carried on an active commerce there. The Niger countries were claimed by Great Britain at the Berlin Conference; and by a royal charter and treaties with the native tribes, the sole rule over both banks of the river and its tributary the Binué belongs to the Royal Niger Company, as it is now called.

The East Africa Company, established in 1888, operates in the British territory situated to the north of the German sphere of influence, and stretching inland to Lake Victoria Nyanza. It established itself also in Uganda, north-west of that lake, and by negotiating treaties with the chiefs, placed the whole district between the coast and Uganda under British control. Finding itself, however, from the prohibition to impose taxes and from the difficulty of keeping up communication with the sea, forced to abandon the position it had acquired in Uganda, it proposed to transfer its interests there to the Government. For a time it seems to have been in contemplation by the authorities at home, to withdraw altogether from Uganda. But public opinion was so strongly expressed

against this course that Sir Gerald Portal, already known by valuable services in Zanzibar, was sent, towards the close of 1892, to conduct inquiries on the spot, and report as to the best method of dealing with the country.

He protested strongly against the evacuation, on the following grounds:—that the English Government was compromised by the agreements which had been entered into with the natives, which they regarded as establishing a British protectorate, and most, if not all of which, had been formally approved by the Secretary of State; that the civil war which had already taken place between the Protestant, Catholic, and Mohammedan parties would be revived at once on the departure of English authorities; that the Arab traders would, in the same case, invade the country in force; and that Uganda, as the natural key to the whole of the Nile valley and to the richest parts of Central Africa, was at once a hopeful sphere for profitable commerce and the best centre for efforts towards the suppression of the slave-trade. The Government, in consequence of

these representations, decided to establish a regular administration in Uganda, and to declare a British protectorate of the country.

But there was a further recommendation on which Sir G. Portal strongly insisted. He stated that "to efficiently check the slave-trade, there is but one course open; the only means of effectually doing this is by making a railway" from the coast at Mombasa to the eastern shore of Lake Victoria Nyanza, or at least as far as Kikuyu; and he added that he had no hesitation in saying that, until this step is taken, any organisation, system of administration, or plan for the improvement of these countries which may be devised, must be of the nature of a makeshift. The construction of this railway would at once abolish along its course the system of human porterage which is largely responsible for the continuance of the traffic in slaves, and would create and stimulate an export trade in the productions of the Nyanza regions. The Government in 1891 granted £20,000 for a survey of the proposed line, but declined "at present" to grant a subsidy, or enter into a guarantee which would enable the railway

to be made. It is impossible in these circumstances to forget a former case in which a similar hesitating policy was allowed to prevail. As early as 1883 the Earl of Dufferin, as Special Commissioner in Egypt, recommended, as the first step to the restoration of tranquillity in the Soudan, "the construction of a railway from Suakim to Berber, or, what perhaps would be still more advisable, to Shendy on the Nile." This recommendation, in which Gordon concurred, was rejected by the Government; and to this rejection the deplorable events which followed were, without doubt, in some degree attributable.

The South Africa Company, chartered in 1889, carries on its operations in the region "lying immediately to the North of British Bechuanaland, and to the North and West of the South African Republic, and to the West of the Portuguese dominions." It has attracted a special degree of public notice in consequence of its conquest of the Matabele territory. We do not here discuss the circumstances of this conquest. But the result has been that a brief period of military action, though accompanied by some regrettable

incidents, has put an end to the warlike organisation which would have wrought in the future, as it did in the past, endless mischief to the native population, and, in particular, has relieved the Mashonas from the brutal treatment which they habitually suffered from the Matabele braves. Whether the Company will justify its success by equitable and humane conduct towards the African races, whilst avoiding the grave complications which would arise from armed conflict with its European neighbours, is a question which cannot yet be answered. But this may be said that, of all the bodies now at work in Africa, it seems to be the one which—resting, as it does, on a civilised local community as a basis—may, if it uses its opportunities aright, most effectually contribute to the abolition of slavery in the interior, and to the general civilisation of the country.

Livingstone insisted on the necessity of keeping an open route through Nyassaland to the coast. This has been done by way of the Shiré and the Zambesi. A road, known as the Stevenson Road, has been constructed, con-

necting Lake Nyassa with Lake Tanganyika. This route is most important for the suppression of the slave-trade, crossing, as it does, some of the slave caravan tracks from the central interior to the east coast. For commerce, too, it is at present the easiest road into the heart of the continent. The African Lakes Company, founded in 1878,[1] has established flourishing plantations in this region, and private English and Scotch firms have also successfully carried on the cultivation of coffee, sugar-canes, and wheat.

The three Moslem governments which seem now to call for special attention with a view to the abolition of slavery are those of Zanzibar, of Turkey, and of Morocco. The first is important because it is most under our own control; the second from the vast extent of its dominions and consequent range of its influence; and the third, as likely to offer great though not insurmountable resistance to pressure from without. The case of the Central and Eastern Soudan it is useless to discuss, for there is plainly no possibility of useful intervention

[1] This Company was in 1892 incorporated with the British South Africa Company.

there at present, though opportunities for British and Italian action are almost certain hereafter to arise. The responsibility for the Western Soudan, so far as it belongs to any European nation, lies at the door of France.

Zanzibar.

Several proclamations directed against the slave-trade were issued at different times by the late Saïd Burgash, Sultan of Zanzibar, but they seem to have remained dead letters. In the Anglo-German Treaty of July 1st, 1890, the British Government announced its intention of assuming the protectorate of Zanzibar and Pemba. On August 1st of the same year the Sultan issued a decree prohibiting the exchange, sale, or purchase of slaves, domestic or others, throughout his dominions. All slave-brokers exercising their occupations were declared liable to severe punishment; and it was provided that slaves should, on the death of their owner, be *ipso facto* free, unless he left lawful children, who alone could inherit them. Every slave was to have the absolute right of buying his freedom at a reasonable price. (The last provision, however, was modi-

fied in consequence of the excitement it produced among the Arabs.) The achievement of this result was due in a great degree to the British residents, Sir J. Kirk and Colonel Euan Smith, who, in their relations with the Sultan, behaved with a prudence which is no less necessary than zeal. In continuing their work, the gradual and well-considered action which has been so effective in Egypt ought to be followed. It would seem reasonable that the penalties against slave-trading should be rigidly enforced. How far the status of slavery should be abolished, that is to say, not recognised by the courts of law; whether a temporary system of registration of slaves should be adopted; whether the suspended edict providing for the freedom of all children born after the 1st of January 1890 should be brought into operation, are questions which must be solved by able and judicious administrators on the spot, who ought to proceed with as much decision and promptitude as is compatible with the demands of justice and the maintenance of social order.

Turkey.

The sovereigns of Turkey have shown in recent times a marked tendency to appropriate the social improvements initiated by the rulers of the West. In 1846 the Sultan issued a firman by which, in granting to Mohammed Ali the government of the conquered provinces in the Soudan, he declared the slave-trade to be "contrary to the laws of religion and justice"; and firmans issued in 1857-8 prohibit the traffic throughout the Ottoman dominions. By a law of 1889 it was provided that black slaves whose owners have not a certificate showing in what capacity they accompany them, shall be considered free, and shall be furnished with certificates of manumission. The Correctional Court at Constantinople grants certificates of manumission to all African domestic slaves who apply either directly or through the medium of Her Britannic Majesty's Embassy. The representative of the Porte signed the General Act of the Brussels Conference in 1890, and in the same year a circular was addressed to all governors of provinces, urging on them the necessity of the strictest watchfulness, so

as to put a stop to the fraudulent importation of African slaves.

All that seems necessary in the case of Turkey—and the same may be said of Persia, which also signed the Act of the Brussels Conference—is persistent vigilance, with appeals, when circumstances call for them, to the local authorities or to the head of the State.

Morocco.

It is in the case of Morocco that the greatest difficulties will probably have to be encountered. We must, however, bear in mind that the slaves in that country are admittedly not ill treated. Their owners, as Sir J. Drummond Hay informs us, "almost invariably on their death-beds manumit the slaves in their households . . . and those slaves who receive their freedom generally prefer to remain with the families of their late masters as domestic servants." It is in the capture in the interior, and the conveyance to the markets, that the cruelty lies. But as long as the demand created by the existence of the institution continues, it will be difficult to prevent the supply being furnished by man-hunts in the Soudan. And

there are other evils inherent in the system, even in its mildest forms, which make its entire abolition in the highest degree desirable.

The retrograde character of the general government of Morocco constitutes a danger to the public peace, and it is thought by many that only international jealousies prevent European powers from forcible intervention. Such action is to be earnestly deprecated. War ought not to be invoked for the purpose (often only a pretext) of enforcing internal reforms in any regularly constituted community, or—to use a favourite phrase of commercial speculators—of "opening up" a foreign country to capital and enterprise. But in the ordinary play of human forces, it is possible that difficulties with Morocco on the part of some of the western powers may arise; and in case of any quarrel occurring, followed by successful military operations, it would be natural that her ruler should be required to abolish the slave-trade, and even to make provision for the future disappearance of slavery in his dominions—acts which the example of Turkey shows to be quite compatible with Mohammedan orthodoxy.

But it is not necessary to contemplate such contingencies. There, as elsewhere, we may rely on pacific agencies alone—on the silent working of social circumstances, the spread of industry and legitimate commerce, the gradual growth and diffusion of humane ideas, the influence of fraternal remonstrances. The best Mohammedans denounce the slave traffic and dislike slavery. Syed Ameer Ali, in his *Critical Examination of the Life and Teachings of Mohammed*, calls on his co-religionists to "proclaim in explicit terms that slavery is reprobated by their faith, and discountenanced by their creed." The Moslem rulers ought to be treated in a friendly and respectful manner by the western powers, and every advance of theirs in the right direction should be met in a spirit of cordial recognition. And we ought to be patient when the rooted prejudices of Oriental populations, less enlightened than their governments, delay reforms which seem to the western mind obviously necessary and even urgent. The ultimate issue cannot be doubtful; the question is one only of time. In proportion as the eastern races move towards what is the goal of all social progress

—a life of peaceful industrial activity, under the guidance and control of a Universal Religion—the last remains of the institution of slavery will surely, though perhaps slowly, disappear.

APPENDIX

I

ON THE USE OF THE WORDS "SLAVE" AND "SLAVERY"

CARELESS or rhetorical writers use the words "slave" and "slavery" in a very lax way. Thus, when protesting against the so-called "Subjection of Women," they absurdly apply those terms to the condition of the wife in the modern society of the west—designations which are inappropriate even in the case of the inmates of Indian zenanas; and they speak of the modern worker as a "wage-slave," even though he is backed by a powerful trade-union. Passion has a language of its own, and poets and orators must doubtless be permitted to denote by the word "slavery" the position of subjects of a state who labour under civil disabilities, or are excluded from the exercise of political power; but in sociological study things ought to have their right names, and those names should, as far as possible, be uniformly employed.

There is, however, when the word "slavery" is used in a purely scientific spirit, a real difficulty in fixing its exact sense. This arises from the circumstance that the features of the institution were from an early period progressively modified by private feeling and public ordinances. But the essential character of slavery may be regarded as lying in the fact that the master was owner of the person of the slave, though the rights arising from such ownership might be variously limited. The transition to serfdom took place in civic communities when the master parted with or was deprived of his property in the person of the slave, and became entitled only to his services, or a determinate portion of them. In rural life, where the march of development was slower, the corresponding stage was reached when, in accordance with the fundamental principles of feudalism, the relation between the lord and the serf, from being personal, became territorial.

We shall err if we look too exclusively to the language of law as defining the status of the serf. In agricultural still more than in urban life, there were many discrepancies between juristic logic and social usage; and these extended to the further transition from serfdom to liberty, so that, whilst the villeins were still, in legal theory, little better than slaves, they could act in almost every respect as freemen.

II

SLAVERY AMONG THE HEBREWS

The wars of the Hebrews in the earlier stages of the national life were marked by special severity, not to say atrocity. The object aimed at was not the subjugation of the native races of Palestine, but their extermination, which, however, was not completely attained (2 Chron. ix. 7, 8). It has been pointed out (p. 8 of the present volume) that Fetichism tended to the habitual massacre of prisoners, because, from its purely local character, it could not create any spiritual bond between the victor and the vanquished. Now, the "monolatry," as Kuenen calls it, of the primitive Hebrews—that is, their exclusive devotion to Jahveh, conceived as the celestial patron of their tribe and the unrelenting enemy of the gods of the surrounding races,—had the same sort of isolating effect, and naturally led to the sacrifice of the votaries of those other hostile deities. But the spirit of true monotheism, when that system has been gradually developed and duly prepared by normal antecedents, regards defeated enemies as really, though sometimes unconsciously, subjects of one and the same divinity with the conqueror, and thus establishes a sense of community which leads to mercy. And, in proportion as the Hebrews rose

from their original tribal religion towards a genuine monotheism, the universal bond of humanity was more deeply felt, and their warfare was conducted in a less sanguinary manner. The same influence mitigated the harsher lineaments of the institution of slavery, so that, in the mature period of Jewish history, the relation of master and slave, so far as it continued to exist, was remarkably pure and humane.[1]

"In the Old Testament," says Ewald,[2] "slavery makes its appearance abruptly in the history of Abraham,[3] as a fully-developed institution, without any earlier mention of it, except its prediction by Noah at the commencement of the history of the present human race" (Gen. ix. 25, 27).

Its sources of supply were the same as in other early communities, viz.: 1. War, which, however, from the character already mentioned of the principal national conflicts, never yielded any great number of

[1] We may observe, however, as was to be expected, in many writers an inclination to treat the institution of slavery amongst the Hebrews with special tenderness, which leads them to extend to some of its characteristics an indulgence which they refuse to the corresponding traits of other ancient systems, and to suppress or minimise such humane features as those other systems present.

[2] *Antiquities of Israel*, Eng. transl. by Solly, p. 211.

[3] We must be on our guard against accepting the biblical accounts of patriarchal habits and institutions as describing, in all respects, accurately the early times to which they refer; they were doubtless largely coloured by later customs and ideas. I do not here enter into the question of the age and authority of the several portions of the Pentateuch, or of the different elements comprised in the so-called Mosaic law.

male slaves; 2. Man-stealing (Exodus xxi. 16; Deut. xxiv. 7); 3. Purchase, which, according to Genesis chap. xvii. was already practised in the time of Abraham, and by which the Hebrews were permitted to acquire foreigners, but not fellow-countrymen, as slaves (Levit. xxiv. 44); 4. Legal constraint, when, in consequence of debt, a person whose other means had failed, was compelled to pay with the person of his children, his wife, or even himself (2 Kings iv. 1); 5. Birth—and those "born in the house" were often the most trusted and valuable members of the class, charged with important household duties, and sometimes even adopted and made the heirs of their masters (Genesis xv. 3).

All slaves, whether of the Hebrew race or not, were to be circumcised, and so admitted into the community of Jahveh; they accordingly enjoyed the rest of the Sabbath and participated in the feast of the passover. The master who struck a slave (male or female), if he (or she) died from the effects of the maltreatment, was to be punished, though the penalty is not defined; but if the slave continued alive for a day after the assault, the master went free on the score that the slave was "his money." If the slave was seriously injured, he was manumitted by law. All slaves, it was generally directed, should be treated with humanity; and the people were reminded that their forefathers had themselves been bondmen in Egypt (Deut. v. 16, and xvi. 14). But

the law drew a broad line of distinction between the members of the chosen race and those of the surrounding nations.

The Hebrew slave was to be set free after a servitude of six full years, leaving behind him, however, the wife whom his master might have given him during that period, and any children she had borne him. If he was married when he was enslaved (as a debtor), then they both went free. When a slave did not desire to avail himself of this opportunity of manumission, but preferred binding himself to his master for good, the two went together to the nearest sanctuary of Jahveh, where they ratified this agreement by a symbolical transaction under the superintendence of the priest, the latter holding the slave's ear against the door or doorpost of the sanctuary, whilst the master bored it through with an awl. The presence of the priest guaranteed that the slave did in fact voluntarily surrender the freedom to which he was entitled. A female slave, whom her father had sold in consequence of poverty, was similarly to be set free in the seventh year. If the master had made her his concubine and publicly recognised her as such, he could not, if he afterwards repudiated her, sell her; if he had made her his son's concubine, he was obliged to treat her as a daughter. If he kept her to himself, but took another with her, he must give her all the prerogative of a half-wife—"food, raiment, and duty of marriage"; otherwise, he must set her free.

The liberation of Hebrew slaves after six years of service, Ewald thinks, became obsolete at a tolerably early date. In Deuteronomy we find the seven years rule, and also a precept to send the slave away not empty-handed, but with a small portion to enable him to begin his free life (Deut. xv. 13, 19).

After the return from the captivity, slavery, though not legally abolished, seems to have existed only in great and wealthy houses. There had been for some time growing up a new relation of the nature of clientship, the dependant being no longer the property of his patron, but attached to his household and bound to render him certain services, in return for which he received protection: this relation was hereditary.

III

SLAVERY IN ANCIENT EGYPT, ASSYRIA, PERSIA, AND CHINA

The following pages contain the substance of the scanty notices which are available with respect to slaves in these ancient nations.

Egypt.—Slavery existed in ancient Egypt, arising from the same sources as in other early communities. The wars of the kings afforded the principal supply; the monuments contain frequent representations of

files of captives, both Asiatics and negroes. We read also of slaves sent as tribute from Ethiopia (Herod. iii. 97). Captives apparently became, in general, slaves of the State ; they were employed in executing colossal public works, such as canals and embankments, and erecting temples, pillars, and pyramids (*Ibid.* ii. 108). These tasks had been by some of the rulers imposed on the whole native population ; the transference of such labours to foreign prisoners of war was a popular policy (Diod. i. 56), and Sesostris, who adopted it, was doubtless as much commended as the memory of Cheops, who employed Egyptians in his public works, was execrated (Herod. ii. 124). Both in law and in the manners of the country there seem to have been guarantees for the proper treatment of private slaves. The murder of a slave was punished with death, and a temple was open for the reception of fugitive slaves (Herod. ii. 113). The proprietors of slaves appear to have been required to inscribe their names in a register kept by the government, so that any one wrongfully held in bondage could vindicate his claim to liberty.

Assyria.—The monuments of Nineveh exhibit crowds of captives—men, women, and children—taken in the warlike expeditions of the Assyrian sovereigns. The numerous eunuchs, too, who appear on the monuments, though many of them filled important posts in the royal palace or offices in the administration, must have been originally of servile

condition. Bilingual tablets from the palace of Assur-bani-pal give us juridical formulas which refer to fugitive slaves and to the sale and redemption of slaves.

Persia.—Amongst the Medes, and, after the conquest, throughout the vast empire of the Persians, slavery prevailed extensively. Slaves were variously employed, according to the needs of the several provinces, in the care of flocks, in tillage, in manufactures and commerce, as well as in the service of the temples, and in the interior of the dwellings at least of the higher classes, amongst whom luxurious habits generally prevailed. Eunuchs were much in request for the guardianship of the harems in great houses. In the army of Xerxes there were many slaves (Herod. vii. 96), and, in the time of Xenophon, the Persian cavalry was largely composed of them. Those who defended Tyre so vigorously against Alexander were in great part descendants of revolted slaves who had taken the place of their masters. In the later Parthian empire, Justin tells us, the greater part of the army was, in the time of Crassus, composed of slaves; these, he says, were brought up in families on the same footing as children, and carefully trained in riding and archery (cap. xli. § 2).

China.—China has never had a caste system, a fact which is due to the circumstance that in that country a systematical Fetichism prevailed over Theologism, and became the general creed of the

nation. Slavery existed, though only on a small scale, except, apparently, in the public or the imperial domains. Its sources were the same as in other ancient communities. It was sometimes a legal penalty, especially for political revolt. The sale of children by their parents was permitted, being perhaps a modification of the earlier practice of exposure. War supplied not many members of the class; with a dense industrial population bordering on nomad races, China lost more captives than she gained. The right of the master to the slave, and the obligation of the latter, were hereditary and perpetual, but the features of the institution were peculiarly mild. Both the manners of the people and the laws protected the life and person of the slave. His family often existed within the family of his owner, almost on terms of equality. Female slaves in domestic service were little below the inferior wives, who, like them, were purchased and were subject to the principal wife; and male slaves often enjoyed much credit, confidence, and influence with their masters. The institution never had much extension relatively to the whole population. Free labour was universal in the country, and supplied each family with most articles without the necessity of domestic production; and filial duty, which held the highest place among the moralities enjoined by public opinion, imposed on children a personal service to their parents which in general dispensed

with the assistance of slaves as well as of hired attendants.[1]

IV

SLAVERY IN ANCIENT AND MODERN INDIA

In the *Institutes* of Menu we read (Burnell and Hopkins' translation), viii. 415:—

"A man made a captive in war, a slave who serves for food, one born in the house, one bought, one given, one formerly belonging to the owner's father, and one serving out a fine (or a debt)," these are the seven kinds of slaves. It is added (416) that a slave can have no property; the wealth he earns is acquired for him to whom he (the slave) belongs. A slave was not admissible to give evidence (viii. 66, 70), except in the case of failure of competent witnesses. A master must not quarrel with his slaves (iv. 181, 185), but bear offence without heat.

The duty of the Súdra (or member of the lowest of the four Indian castes) is, according to Menu, to serve the other classes, chiefly the Brahmans; but, in case of want of subsistence and inability to procure employment from that class, to serve a Kshatriya or even an opulent Vais'ya. The degraded state of

[1] See Wallon's *Esclavage dans l'Antiquité*, vol. i. pp. 21-59; and compare his article on China with the source from which it is derived, namely, the memoir by Biot in the *Journal Asiatique* for March 1837, 3rd series, t. iii.

the Súdras appears in many legal provisions respecting them. But they were not slaves; they chose the persons to whom they would offer service, and claimed adequate compensation. They could exercise trades on their own account; their right to property was admitted, and they could even accumulate wealth. There is nothing to lead to the belief that they were slaves of the State. "Their condition," says Elphinstone, "was much better than that of the public slaves under some ancient republics, and indeed the villeins of the Middle Ages, or any other servile class with which we are acquainted." [1]

The same author, writing in 1839, says: "Domestic slavery in a mild form is almost universal. The slaves are home-born, or children sold by their parents during famine, and sometimes children kidnapped by Banjáras, a tribe of wandering herdsmen, who gain their subsistence by conveying grain and merchandise from one part of the country to another. . . . Domestic slaves are treated exactly like servants,

[1] "Arrian mentions with admiration (*Ind.* cap. x.) that every Indian is free. With them as with the Lacedæmonians, he says, no native can be a slave; but, unlike the Lacedæmonians, they keep no other people in servitude. Strabo, who doubts the absence of slavery as applying to all India, confines his examples of the contrary to domestic slaves, and appears to have no suspicion of the existence of a servile class. It is possible that the mild form in which slavery appeared among the Súdras may have deceived the Greeks, accustomed to so different a system at home; but it is more probable that the remains of the servile condition of the Súdras which subsisted in Menu's time may have disappeared entirely before that of Alexander." (Elphinstone, *History of India*, p. 261, 5th ed. by E. B. Cowell.)

except that they are more regarded as belonging to the family. I doubt if they are ever sold, and they attract little observation, as there is nothing apparent to distinguish them from freemen." But female children who are kidnapped are often sold for vile purposes, and are "in other cases exposed to the passions of their masters and the jealous cruelty of their mistresses." Slaves, he adds, are in some parts of India found not only in the houses of the great and rich, but "in the families of cultivators, where they are treated exactly like the other members." Among the ancient Hindus there were no slaves attached to the soil. In some forest tracts there are such slaves, but attached in so loose a way that they are entitled to wages, and, in fact, are under little restraint. They are found in Malabar and the extreme south, also in Bengal and Behar and certain hilly tracts. But "their proportion to the people of India is insignificant, and in most parts of that country the very name of prædial slavery is unknown."

The way in which the English Government has dealt with slavery in India is stated in the following extract from a letter of Mr. Justice Scott, of Bombay, printed in the *Anti-Slavery Reporter* for March 1885:—

"The general law as regards slavery in India is contained in a brief Act of four sections, passed in 1843. The first section prohibits the sale of any

person, or of the right to his compulsory labour. The second prohibits the enforcement of any rights arising out of alleged property in a person as a slave. The third forbids any claim to take possession of property on the ground that the actual owner of it is a slave. The fourth declares any act which would be penal if done to a freeman, equally penal if done to a person alleged to be in a state of slavery."

Any kidnapping for the purposes of slavery is punished with ten years transportation; the buying or disposing of any person as a slave, with seven years imprisonment; and habitual slave-dealing, with transportation for life. Judge Scott states that some slave-traffic still, in 1855, went on in the native states of India.

V

SLAVERY UNDER THE BARBARY CORSAIRS

The Barbary States first became really formidable to Europe in consequence of the conquests of the two pirates Horuc (more properly Urūj) and Hayradin (Kheyr-ed-din) Barbarossa. The former possessed himself of Algiers in 1517, and was succeeded by his brother Hayradin, who ceded his dominions to the Porte, and was thereupon appointed Beglerbeg of Algiers, and afterwards Captain-General of the Ottoman navy. He and his successors swept the

seas, defeated Christian armaments, captured argosies, and levied contributions on the Mediterranean coasts. Barbarossa made himself master of Tunis, and, though it was recovered by Charles V. in 1535, this success did not diminish in any considerable degree the power of the pirates. An expedition of Charles V. against Algiers in 1541 miserably failed. Sinān Pasha took Tripoli, which had been entrusted to the Knights of St. John, and Ochiali recaptured Tunis. The noble defence of Malta under La Valette gave a serious check to the Turks, but it was only on the day of Lepanto (1571) that their maritime preponderance finally disappeared. From this time the Barbary Corsairs became mere plunderers. Algiers and Tunis were for three centuries the centres of expeditions in which they infested the Mediterranean, and, to some extent, the Atlantic, pillaged the coasts of Sicily, Sardinia, Corsica, Naples, and Spain, sacking towns and villages, and carrying off men, women, and children into captivity. The Western Powers, partly through pre-occupation, partly from mutual jealousy, tolerated their outrages, and even paid them tribute. After several feeble and fruitless efforts to abate the nuisance, the first marked success was won by the American naval officers Preble and Decatur. In 1816 the presence of Lord Exmouth obtained from the Beys of Tunis and Tripoli the abolition of Christian slavery, and, similar demands having been made in vain at Algiers, he attacked the place, destroyed the

fleet, and reduced the fortifications to ruins, and concluded a treaty by which prisoners of war were for the future to be exchanged, and not enslaved. But the pirate power did not cease from its outrages until its final annihilation by the French in 1830—a result for which we may be grateful, whilst disapproving the permanent occupation of the country in spite of the promise of evacuation, the policy long pursued towards the Arabs and Kabyles, and the high-handed seizure of Tunis.

Some notion of the number of Christians working as slaves either in the galleys of the pirates or on shore, may be gathered from the following facts: On the taking of Tunis by Charles V., 20,000 were freed from bondage either by his arms or by his compact with the ruler whom he restored.[1] We are told in *Don Quixote* that an immediate result of the battle of Lepanto was the liberation of 15,000 slaves. "In 1634, Father Dan found 25,000 Christian slaves in the city of Algiers and roundabout."[2] In 1816 the number was greatly reduced, Lord Exmouth set at liberty only 1642, who were then all the slaves in Algiers.

When captives were brought to the city they were sold by auction, the members of families being separated; they were heavily chained and thrown into the large bagnios or into dungeons in private

[1] Robertson's *Charles the Fifth*, bk. v., *sub fin.*

[2] S. Lane Poole's *Barbary Corsairs*, p. 235 (from Le Père Dan's *Histoire de Barbarie et de ses Corsaires*, 1649).

houses, and kept to hard labour, such as cleaning, carrying, and quarrying stone. They were at times treated with great cruelty; but this does not appear to have been frequent—their chief sufferings were not physical, but moral. They had holidays, and hours free of work, and sometimes saved enough to buy their freedom.

Every one knows that the author of *Don Quixote* was for years a captive in Algiers. He was on his way, in 1575, from Italy, where he had been serving in the Spanish army, to visit his native country, when the galley in which he sailed was taken by Moorish corsairs, and he and all the other Christians on board were carried as prisoners to Algiers. He was there one of the numerous slaves of the corsair captain, Deli Memi, an Arnaut renegade, who treated him very harshly with the object of compelling him to appeal to his friends for his ransom. Cervantes during his captivity behaved with noble constancy and magnanimity. He formed several plans of escape, the last of which would probably have been successful but for the treachery of one of those who were to have obtained their freedom by means of it. He was, in the end, in 1586, ransomed by contributions from his family, supplemented by a sum advanced by the public functionary for the redemption of Spanish captives, residing at Algiers. It has been sometimes supposed that he relates the story of his own slavery in the person of the Captive in *Don Quixote*. This

appears to be an error; but his experiences supplied him with that familiar knowledge of Algerine affairs and manners which appears in this tale and also in the *Española Inglesa*, one of his *Novelas Exemplares*.

It ought in justice not to be forgotten, though it is seldom noticed, that there were Christian as well as Turkish or Barbary corsairs, and Moslem slaves in the hands of Christians as well as Christians in the hands of Musulmans. The oars of Doria's vessels, as well as those of Dragut's, were impelled by the hands of slaves; when Francis I. dismissed Hayradin from Toulon, he handed over to him 400 Mohammedans who had been galley slaves.

VI

REDEMPTION OF CAPTIVES

It was, from an early period, the effort of the Catholic priesthood, and of the wealthy faithful under their influence, to redeem Christian captives held by the unbelieving Northern races, by Saracens, Moors, and other "infidels." The following notices will give some idea of what was done in this direction:—

Epiphanius, bishop of Pavia, was employed by Theodoric (*d.* 526 A.D.) "to rescue from slavery those who had been sold or had fled into slavery beyond the Alps. Gundobald the Burgundian and his chief-

tains melted at the persuasive words of Epiphanius, who entered Pavia at the head of 6000 bond slaves rescued by his influence."[1]

"The redemption of slaves was one of the objects for which the canons allowed the alienation of their [the churchmen's] lands."

Gregory the Great (*d.* 604 A.D.) "sanctioned that great triumph of the spirit over the form of religion by authorising not merely the alienation of the wealth of the clergy, but even the sale of the consecrated vessels from the altar for the redemption of captives."[2] (In this he followed the example of S. Ambrose.) In Ep. vi. 35, Gregory writes, "Et sacrorum canonum et legalia statuta permittunt ministeria Ecclesiæ pro captivorum esse redemptione reddenda."

Bathildis, queen of Clovis II. of Neustria (seventh century), having been herself a captive, set apart vast sums for the redemption of captives.[3]

S. Eloy, afterwards Bishop of Noyon (seventh century), was active in the work of redemption at his own expense. "When he heard of a sale of slaves, he set off immediately, and bought as many as 20 or 30, or even 50 or 100, at a time. When he had got them, the next business was to carry them before the king and set them at full liberty with all the forms of law."[4]

[1] Milman, *Latin Christianity* (1855), i. p. 295.

[2] *Ibid.*, ii. 91, and i. 444.

[3] *Ibid.* ii. p. 221.

[4] Quoted by Maitland, *Dark Ages*, p. 88, from the *Life of S. Eloy* by S. Owen, Archbishop of Rouen, in D'Achery's *Spicilegium*, ii. p. 76.

The father of Joannes Damascenus (eighth century) devoted all his great wealth to the redemption of Christian slaves.[1]

At a later period, two religious orders were founded for the special object of the redemption of Christians held in captivity by infidels—that of the Trinitarians, and that of Notre Dame de la Merci. The former of these was established in 1198 by Pope Innocent the Third, at the instance of S. John de Matha and S. Felix de Valois, for the ransom of captives taken by Moors and Saracens. De Matha was the first General of the Order, and the mother house was at Cerfroy near Meaux in France. The order spread rapidly, and extended to Italy, Spain, Portugal, Poland, Hungary, the British Islands, and even to America. In the eighteenth century they numbered nearly 300 houses; but now, the necessity for the order having ceased, it has become nearly extinct.[2] About the middle of the seventeenth century it was stated that in France more than 30,000 prisoners had been redeemed, in Castile and Leon more than 11,000. The members of this order were known in France as *Mathurins.*

The Order of Notre Dame de la Merci was founded, in consequence of visions said to have been seen in

[1] Milman, ii. p. 164.

[2] Montalembert, indeed, says (Introduction to his *Histoire de Ste. Elis. de Hongrie*, 1837), "Jusqu'a nos jours ces deux congrégations ont continué leur pacifique et perilleuse croisade." But their crusade must long since have ceased to deserve the latter of these epithets.

1218, at the instance of S. Pierre Nolasque, by virtue of a power possessed by the King of Aragon of establishing new orders without seeking the intervention of the Pope. In its first creation it was a military order. Its mother house was at Barcelona. It received in 1230 the confirmation of Pope Gregory the Ninth. There were branch houses of the order in France, and it had a great extension in America. Amongst its members S. Raymond Nonnat and S. Pierre Paschal were pre-eminent for devotion and self-sacrifice.

VII

SLAVERY AS AN INDUSTRIAL SYSTEM

According to Adam Smith,[1] "it appears from the experience of all ages and nations, that the work done by freemen comes cheaper in the end than that performed by slaves." This supposed fact he explains from the consideration that the fund destined for replacing or repairing the wear and tear of the slave is commonly managed by a negligent master or a careless overseer, and therefore with little regard to economy, whilst that of the free man will be administered by himself, and therefore with the strict frugality and parsimony which naturally characterise the expenditure of the poor. Again, the slave cannot be

[1] *Wealth of Nations*, book I. chap. viii., and book III. chap. ii.

expected to work as diligently as the freeman. There is no expectation of personal gain to stimulate his industry; he will be more likely to evade, when he can, the tasks imposed upon him. It was, in general, pride and love of power in the master that led to the employment of slaves. But the system could be maintained only where the nature of the cultivation afforded it, and in the British sugar and tobacco plantations the profits were such as to make it possible, whilst the raising of corn crops would not admit of it.

J. E. Cairnes, in his valuable work entitled *The Slave Power*, has examined at length the conditions necessary for the success of slavery as an industrial system. He was led to study this question by the fact that slavery, having originally existed in all the English colonies in America, in the more northerly of these had declined and become spontaneously extinct, whilst in the southern states it had risen to great importance and shaped the entire social system in conformity with its requirements.

After rejecting as insufficient the explanations of this fact founded on the difference of social position and habits of the respective founders of the northern and southern settlements, on the influence of climate, and on the indolence of the negro, Cairnes goes on to state the conditions on which the success of a slave régime really depends.

The single economic advantage which slavery

possesses is, that the master, having absolute command of his workmen, and disposing of the whole fruit of their labour, can organise that labour in the most perfect way, can classify and distribute it at will, and concentrate it on any given point, while the cost of it can never rise above the maintenance of the worker. On the other hand, the labour of the slave is subject to the threefold disadvantage, that (1) it is given reluctantly and hence requires constant supervision; (2) is unskilful, and therefore he can only be trusted with the coarsest implements and employed in the rudest forms of work; and (3) wants versatility, so that he is incapable of variety of production, and must be confined for life to the raising of a single crop.

Now the nature of the northern soils and climate prescribed the cultivation of cereals, and in this no skilful combination of labour is needful, and, the workers being dispersed over a large surface, adequate superintendence could not easily be brought to bear. Hence the slave system was not adapted to the requirements of the north, and was replaced by that of peasant proprietors, who, with their families, did in general the whole work of their farms. They had the necessary intelligence and resource for the varied processes in which they were employed, and their diligence was sufficiently stimulated by the sense of personal interest.

But for the profitable management of slave labour, judicious classification, economical distribution, and

direction by one commanding mind of the whole labour force are indispensable. Strict superintendence, too, is essential, and, with a view to this, the concentration of large numbers of workers in a limited space. The growth of tobacco and cotton required these conditions to be fulfilled, and accordingly, where the soil and climate favoured these products, slave cultivation became the rule and maintained itself. The high fertility of the southern soils dispensed with superior skill in the labourers, and with the use of the more advanced appliances of industry. And when, in the absence of rotation, the land was exhausted, there were ample virgin soils available for the extension of the system, and the unceasing exertions of the owners were directed to keeping open and enlarging the area of their peculiar form of cultivation.

Cairnes thus sums up the results of his investigation. "The successful maintenance of slavery, as a system of industry, requires the following conditions: 1st, Abundance of fertile soil; and 2nd, a crop the cultivation of which demands combination and organisation of labour on an extensive scale, and admits of its concentration. It is owing to the presence of these conditions that slavery has maintained itself[1] in the Southern States of America, and to their absence that it has disappeared from the Northern States."

[1] Cairnes wrote in 1862.

It should be remembered that the expansion of the cotton industry in the south to large dimensions was very rapid, following on the progress of mechanical invention. "Eli Whitney's invention of the cotton-gin (1793)," says Professor W. Wilson,[1] "enabled even the unskilful slave to cleanse a thousand pounds of cotton of its seeds in a single day, instead of five or six pounds, as formerly. At once, almost at a single bound, the south became the chief cotton field of the world. In 1792, the year before Whitney's invention, the export of cotton from the United States amounted to only 138,328 pounds; by 1804 it had swelled to 38,118,041; and at the time of the first struggle touching the extension of slavery (the Missouri compromise), it had risen to 127,860,152, and its value from seven and a half to more than twenty-two millions of dollars." This immensely strengthened the institution of slavery; it had previously been supported by habit and a fear of the consequences of emancipation; now it "seemed nothing less than the indispensable economic instrument of southern society."

[1] *Division and Reunion* (1829-1889)

THE END

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